UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE DIG HEADST CORPORATION ADVANCE

TIME INC., HEARST CORPORATION, ADVANCE MAGAZINE PUBLISHERS INC., AMERICAN MEDIA, INC., HACHETTE FILIPACCHI MEDIA U.S., INC., THE McGRAW-HILL COMPANIES, INC., NEWSWEEK, INC., SOURCE INTERLINK MAGAZINES, LLC, REED BUSINESS INFORMATION, A DIVISION OF REED ELSEVIER INC., VARIETY, INC., REED ELSEVIER PROPERTIES INC., BONNIER CORPORATION, ZIFF DAVIS PUBLISHING HOLDINGS INC., FORBES LLC, REIMAN MEDIA GROUP, INC., RD LARGE EDITION, INC., HOME SERVICE PUBLICATIONS, INC. and READER'S DIGEST LATINOAMERICA SA,

08 Civ. 7392 (WHP)

**ECF CASE** 

Plaintiffs,

- against -

DARREN ANDREW BUDD, SALVEO LIMITED, CYBERNET COMMUNICATIONS, INC., SWITCHWORKS TECHNOLOGIES, INC., HAMIDULLA GHUMAL ABBAS, YOAV SCHWARTZ, RICK ROSS and JOHN DOES 1-20,

Defendants.	:
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# DECLARATION OF ANDREW BLAU IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, ANDREW BLAU, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Senior Vice President and General Manager of Time Inc. Interactive, the division within Time Inc. ("Time") that is responsible for the company's digital publishing operations, finance and strategic development. Concurrently, I am also the President of LIFE, the division responsible for print and electronic publishing under the LIFE brand. Prior to these positions I was Group Vice President and General Manager of the TIME Group, comprising the domestic and international magazines and website published and distributed

under the TIME Magazine brand. I have been employed by Time for 23 years and, in addition to these three positions, have held a variety of jobs in finance and operations for both print and online. I am fully familiar with the facts and circumstances stated herein.

2. I submit this declaration in support of plaintiffs' application, by order to show cause, for a temporary restraining order and preliminary injunction enjoining and restraining defendants Darren Andrew Budd ("Budd"), Salveo Limited ("Salveo"), Cybernet Communications, Inc. ("Cybernet"), Switchworks Technologies, Inc. ("Switchworks"), Hamidulla Ghumal Abbas ("Abbas"), Yoav Schwartz ("Schwartz"), Rick Ross ("Ross") and John Does 1-20 (collectively, "defendants") from wholesale and blatant infringement of plaintiffs' copyrights and trademarks in our well-known magazines on a website known as Mygazines.com (the "Infringing Website"), and from inducing and encouraging the users of that Website to upload our copyrighted content in violation of law.

#### Introduction

3. Time and the other magazine publishing plaintiffs seek emergency injunctive relief to stop the blatant, willful and unprecedented infringement of their magazines at the Infringing Website. That Website, as described more fully below, offers users access to scanned versions of virtually every major magazine published in the United States, and hundreds of other magazines as well, including smaller publications and magazines published in other countries. At last count, the Infringing Website offered upwards of 1450 entire issues of magazines, of various types, almost all published within the past 6–8 months, and the majority published within the past two months and still selling on newsstands and by subscription across the country. In all, there are more than 20 different magazines published by Time alone currently available on the Infringing Website, and multiple issues of most of these magazines; in all, this means that

there are approximately 90 individual issues of Time's magazines available on the Infringing Website, and more are being added on a daily basis.

- 4. The owners of the Infringing Website have employed extensive measures to hide their true identities, including registering their domain names under false identities, not providing valid contact information on the Website, declining to respond to demands, using false names in communications with the press, and frequently moving their Infringing Website to different web hosts. However, after investing a significant amount of time and effort investigating the owners, we have discovered that the domain name registrant and the applicant for the MYGAZINES trademark in the U.S. and Canada is defendant Darren Budd, an individual residing in Toronto, Ontario. We have also discovered that two (related) companies, defendants Cybernet and Switchworks, host the "back-end" image servers for all of the infringing content, and defendant Ross appears to be providing financial backing to the venture. Defendants Abbas and Schwartz were responsible for "building" the Infringing Website itself, and continue to actively support the site.
- 5. The Infringing Website hosted seriatim by a series of different servers in other countries as part of defendants' continuing efforts to evade detection displays high-quality scanned copies of these magazines which users can peruse in a "flipbook", intended to replicate the experience of reading a physical copy of a magazine. Users are encouraged, in the words of the site's owners, to "browse, share, archive and customize unlimited magazine articles". Individual articles within different magazines from different publishers may be clipped and recompiled into derivative "mygazines" by users, and those "mygazines" may be shared with friends and are available to the public at large.
- 6. The Infringing Website purports to allow users to upload their own scanned magazines to the site, but in the main, that does not at all appear to be what has transpired.

When we first discovered the site on July 22, 2008, it already offered many hundreds of scanned magazines and, in almost every case, the particular magazine had been posted as an "anonymous contribution", without any indication of a purported user who had uploaded the magazine file. It was our strong belief then, and it is our strong belief now, that the vast majority of the scanned magazines available on the Infringing Website have not been uploaded by third-party users, but rather by the owners, operators and/or hosts of the Infringing Website.

- 7. Time has not authorized the owners of Mygazines.com to upload scanned copies of its magazines to the Internet, nor does it permit the owners of individual copies of its magazines (such as subscribers or purchasers at newsstands) to upload scanned copies. (They are of course permitted, under the first sale doctrine, to give the physical copy to others, but no law allows them to reproduce entire copies online or in any other manner or medium or to create unauthorized derivative works.) Consequently, every single copy of Time's magazines that is available on the Infringing Website is an unauthorized, infringing copy. Also, users of the Infringing Website, if they follow defendants' exhortations, will be creating unauthorized derivative works.
- 8. It is also Time's firm belief that the vast majority if not all of the magazines from other publishers that are available on the Infringing Website are also unauthorized, infringing copies. The declarations submitted by each of the publisher-plaintiffs in support of this motion confirm that this is true for all of the magazines available on the Infringing Website that are published by the publisher-plaintiffs: approximately 465 of the approximately 1450 documents on the site, or approximately one-third of all the magazine issues. *See*, *e.g.* Declaration of Debra S. Weaver, sworn to August 15, 2008, ¶ 11; Declaration of Adriaan Bouten, sworn to August 19, 2008, ¶ 10; Declaration of John Bellando, sworn to August 19,

- 2008, ¶ 11. Based on my review of the other magazines on the Infringing Website, my knowledge of the magazine publishing industry, and public statements from industry trade groups such as the Magazine Publishers of America, it appears to me that virtually all of the remaining magazines available on the Infringing Website also are unauthorized, infringing copies.
- 9. In addition to the massive copyright infringement being perpetrated by the Infringing Website (and indeed inherent in its stated mission and current functionality), the owners of the Infringing Website are also infringing Time's trademarks on a similarly enormous scale. The titles and covers of our magazines are being used in online advertisements for defendants' website, in various places on the Internet, notably Facebook.com, to entice visitors to the Infringing Website. Once at the homepage of that site, visitors encounter a virtual revolving newsstand rack, which displays a changing assortment of magazine covers containing, *inter alia*, Time's trademarked magazine titles and logos, all under the overarching MYGAZINES trademark at the top of the page.
- 10. The Infringing Website makes multiple other uses of Time's trademarked magazine titles in other locations throughout the site. Indeed, it contains individual web pages for each unauthorized magazine, with page titles that incorporate Time's trademarked magazine titles, presumably in order to ensure that search engines return results that link the MYGAZINES trademark with the various titles of Time's magazines in a way that suggests sponsorship endorsement, or association. For example, if a user looking for the August issue of Time's *Real Simple* magazine runs a Google search for "Real Simple August 2008", the *very first result* returned is a link to a web page entitled "Mygazines.com Real Simple August 2008 (CAN/USA)", which is the Infringing Website's landing page for that issue. A link to the

RealSimple.com website, which is Time's website for the magazine, comes up second in the list of search results. Time has not licensed or otherwise authorized the owners of Mygazines.com to use any of its trademarks.

- 11. By encouraging users to clip individual articles from different magazines and combine them into a single customized "mygazine" which is then publicly available, the Infringing Website encourages users to create unauthorized derivative works in which our trademarks (displayed at the bottom or top of each page) may be juxtaposed with the content and trademarks of other publishers, in a manner that is likely to blur or tarnish Time's valuable trademarks.
- threat to Time and the other publisher-plaintiffs. By offering for free content that Time has expended considerable energy and expense to produce and/or acquire, in direct competition with Time's current newsstand and subscription sales and its own magazine websites and its sales through online partners, the Infringing Website seeks to trade upon Time's intellectual property in wholesale fashion, with a concomitant negative impact on Time's own legitimate and authorized sales. That impact, however, is unquantifiable: we simply have no way of knowing how many potential purchasers of our magazines have declined or will decline to purchase them, because they can simply read them for free online at this unauthorized site, rather than visiting our own authorized sites. Nor do we have any way of knowing how many advertisers who currently advertise in our magazines might otherwise be inclined to advertise on Time's websites but, seeing their advertisements distributed for free on the Mygazines.com website, will decline to do so. Moreover, as the content of our magazines is time-sensitive, the corresponding window of opportunity for sales is an extremely short one. By usurping that window of opportunity,

Mygazines.com threatens severe damage to the magazine industry publishing model. In sum, plaintiffs are running a free online magazine store, without license or authority, which threatens to destroy the entire value of our business model for magazine sales, much as Napster threatened the record industry until the courts intervened and it was shut down.

13. Although the harm caused to plaintiffs by defendants' infringing acts occurs in the United States, and primarily in New York, a portion (but by no means all) of the infringing acts themselves occur in Canada. Mindful of not seeking relief that exceeds the territorial reach of the Copyright Act, but with a compelling need to stop this egregious infringement, the plaintiffs are taking two related steps. First, we are simultaneously bringing a second action in Toronto under the Canadian copyright and trademark laws. Second, we are seeking injunctive relief from this Court only enjoining and restraining the defendants from hosting, distributing and displaying the infringing content to users in the United States, and from inducing those domestic users to upload domestically copyright protected content and/or to post, share, and archive that content on the Infringing Website.

### **Time's Magazine Business**

- 14. Time is a Delaware corporation with its principal place of business in New York, New York. It is one of the largest content companies in the world. With a portfolio of more than 120 magazines, including some of the world's most popular, powerful and trusted brands, it is the largest magazine publisher in the United States. Time's popular brands and successful franchises extend to online, television, mobile devices and other media. Each month, one out of every two American adults reads a Time magazine, and one out of every seven who are online visits an authorized Time website.
- 15. Time is the owner and publisher of such widely recognized magazines in the United States as *Time, People, Sports Illustrated, Entertainment Weekly, Essence, Fortune, Golf,*

In Style, Money, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, and Southern Living.

16. The combined circulation for the above magazines alone is in the tens of millions monthly in the United States. Each of the above magazines also has its own website or web pages fully devoted to that particular brand's content.

#### **Time's Copyrights and Trademarks**

- 17. Time owns the copyright in each issue of its various magazines, including the copyright in the original content therein. [Time's customary practice is to submit an application for federal copyright registration for each issue within three months after first publication.] For the purposes of this action, Time has accelerated its normal procedure, and has applied for expedited registration of certain of the recently published issues of its magazines in issue.
- 18. Specifically, Time currently holds the following copyright registrations in its magazines and their contents:
- a. *Entertainment Weekly*: issues dated June 20, 2008, June 27 & July 4, 2008, July 11, 2008, July 18, 2008; July 25, 2008, August 1, 2008 and August 8, 2008 (Copyright Registration No. TX 6-648-136, effective August 5, 2008). Copies of Time's copyright registrations are annexed hereto as Exhibit 1 to this declaration. Time has not yet applied for registration of the issues dated August 15, 2008 and August 22, 2008 because they were so recently published, but intends to do so.
- b. *Essence*: issues dated May 2008, June 2008 and July 2008 (Copyright Registration No. TX 6-648-139, effective August 5, 2008); issue dated August 2008 (Copyright Registration No. TX 6-857-547, effective August 5, 2008). *See* Exhibit 1. Time has not yet

applied for registration of the issue dated September 2008 because it was so recently published, but intends to do so.

- c. Fortune: issues dated March 17, 2008, March 31, 2008, April 14, 2008, April 28, 2008, May 5, 2008 and May 12, 2008 (Copyright Registration No. TX 6-648-144, effective August 5, 2008); issues dated May 26, 2008, June 9, 2008, June 23, 2008, July 7, 2008 and July 21, 2008 (Copyright Registration No. TX 6-648-134, effective August 5, 2008). See Exhibit 1.
- d. *Golf Magazine*: issues dated May 2008, June 2008 and July 2008 (Copyright Registration No. TX 6-648-132, effective August 5, 2008); issue dated August 2008 (Copyright Registration No. TX 6-857-563, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for registration of the issue dated September 2008 because it was so recently published, but intends to do so.
- e. *InStyle*: issues dated May 2008, June 2008 and July 2008 (Copyright Registration No. TX 6-648-137, effective August 5, 2008); issue dated August 2008 (Copyright Registration No. TX 6-857-567, effective August 5, 2008). *See* Exhibit 1.
- f. *Money*: issues dated May 2008, June 2008 and July 2008 (Copyright Registration No. TX 6-648-141, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for registration of the issue dated August 2008 because it was so recently published, but intends to do so.
- g. *People*: issues dated April 7, 2008, April 14, 2008, April 21, 2008, April 28, 2008, May 5, 2008, May 12, 2008, May 19, 2008, June 2008 (Jones), May 26, 2008, June

2008 (Country) and June 2, 2008 (Copyright Registration No. 6-648-142, effective August 5, 2008); issues dated June 9, 2008, June 16, 2008, June 23, 2008, June 30, 2008, July 7, 2008, July 2008 (Miley), July 14, 2008, July 21, 2008, July 28, 2008, August 4, 2008, August 11, 2008 and August 18, 2008 (Copyright Registration No. TX 6-648-130, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for registration of the issue dated August 25, 2008 because it was so recently published, but intends to do so.

- h. *People en Espanol*: issues dated June 2008, July 2008 and August 2008 (Copyright Registration No. TX 6-648-131, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for registration of the issue dated September 2008 because it was so recently published, but intends to do so.
- i. *People Style Watch*: issue dated June/July 2008 (Copyright Registration No. TX 6-857-545, effective August 5, 2008). *See* Exhibit 1.
- j. *Real Simple*: issues dated May 2008, June 2008 and July 2008 (Copyright Registration No. TX 6-648-138, effective August 5, 2008); issue dated August 2008 (Copyright Registration No. TX 6-857-540, effective August 5, 2008). *See* Exhibit 1.
- k. *Sports Illustrated*: issues dated April 7, 2008, April 8, 2008, April 14, 2008, April 21, 2008, April 28, 2008, May 5, 2008, May 6, 2008, May 12, 2008, May 19, 2008, May 26, 2008, June 2, 2008, June 9, 2008, June 10, 2008 and June 16, 2008 (Copyright Registration No. TX 6-648-145, effective August 5, 2008); issues dated June 23, 2008, June 30, 2008, July 7, 2008, July 14-21, 2008, July 28, 2008 and August 4, 2008 (Copyright Registration No. TX 6-648-133, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for

registration of the issues dated August 11, 2008 and August 18, 2008 because they were so recently published, but intends to do so.

- 1. Sports Illustrated for Kids: issue dated June 2008 (Copyright Registration No. TX 6-857-684, effective August 5, 2008); issue dated July 2008 (Copyright Registration No. TX 6-857-559, effective August 5, 2008); issue dated August 2008 (Copyright Registration No. TX 6-857-562, effective August 5, 2008). See Exhibit 1. Time has not yet applied for registration of the issue dated September 2008 because it was so recently published, but intends to do so.
- m. This Old House: issues dated June 2008 and July/August 2008 (Copyright Registration No. TX 6-648-140, effective August 5, 2008). See Exhibit 1. Time has not yet applied for registration of the issue dated September 2008 because it was so recently published, but intends to do so.
- n. *Time*: issues dated April 7, 2008, April 14, 2008, Summer 2008 (S&D), April 21, 2008, April 28, 2008, May 5, 2008, May 12, 2008, May 19, 2008, May 26, 2008, June 2, 2008, June 9, 2008 and June 16, 2008 (Copyright Registration No. TX 6-648-143, effective August 5, 2008); issues dated June 23, 2008, June 30, 2008, July 7, 2008, July 14, 2008, July 21, 2008, July 28, 2008, August 4, 2008 and August 11, 2008 (Copyright Registration No. TX 6-648-135, effective August 5, 2008). *See* Exhibit 1. Time has not yet applied for registration of the issue dated August 18, 2008 because it was so recently published, but intends to do so.
- o. *People Child Stars*: Time applied for a registration for the Summer 2008 issue on August 4, 2008 and expects for the application to be approved, as Time has never been

denied a copyright in its magazines. A copy of Time's pending copyright application is annexed hereto as part of Exhibit 2 to this declaration.

- Coastal Living: Time applied for a registration for the June 2008 issue on p. June 1, 2008 and for a registration for the July/August 2008 issue on July 1, 2008. Time expects for the applications to be approved, as Time has never been denied a copyright in its magazines. Copies of Time's pending copyright applications are annexed hereto as part of Exhibit 2 to this declaration.
- q. Cooking Light: Time applied for registrations for the June 2008, July 2008 and August 2008 issues and expects for the applications to be approved, as Time has never been denied a copyright in its magazines. Copies of Time's pending copyright applications are annexed hereto as part of Exhibit 2 to this declaration.
- Health: Time applied for registrations for the June 2008 and July 2008 r. issues and expects for the applications to be approved, as Time has never been denied a copyright in its magazines. Copies of Time's pending copyright applications are annexed hereto as part of Exhibit 2 to this declaration.
- Southern Accents: Time has applied for a registration for the July/August s. 2008 issue and expects for the application to be approved, as Time has never been denied a copyright in its magazines. A copy of Time's pending copyright application is annexed hereto as part of Exhibit 2 to this declaration.
- Southern Living: Time has applied for registrations for the June 2008, July t. 2008 and August 2008 issues and expects for the applications to be approved, as Time has never

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been denied a copyright in its magazines. Copies of Time's pending copyright applications are annexed hereto as part of Exhibit 2 to this declaration.

- 19. Time holds federal trademark registrations for the titles of each of its serial publications, as well as for the distinctive trade dress of the covers of some of its magazines. Time also holds common law trademark rights, based on its long-standing and continuous use of the names of its magazines in connection with the promotion and sale of those publications and of other goods and services, and based on widespread consumer recognition of those titles as a source of Time's goods and services. Time's valuable trademarks appear at the bottom or top of most of the pages of our magazines (they do not appear on pages that consist solely of advertisements). This information is set forth in detail in the accompanying Declaration of Paul A. Lee.
- 20. In addition, Time holds common law rights in the trade dress of its magazines. Each magazine has a distinctive cover with a stylized logo and a highly recognizable layout and graphic style, with standard features and elements, that functions as a source indicator to consumers, and is non-functional.

#### **Time's Online Presence**

21. Time operates websites or web pages for each of its magazine brands. Visitors to such sites as People.com, SportsIllustrated.com, EW.com, Time.com, RealSimple.com, and Golf.com are able to peruse countless articles, photographs and other relevant content provided by Time and its partners, including content also found in the print versions of our magazines. Time has successfully - with great care and at great expense - developed these companion websites such that they complement Time's print magazines. Indeed, the print magazines drive traffic to the websites, and vice versa. Time realizes revenue from its websites in a variety of ways, including online advertising, sales of back issues of its magazines, sales of subscriptions. and the like.

22. It is crucial to Time's success that its magazine brands are presented to the public in a consistent fashion. For this reason, we carefully select our business partners, and only enter into agreements pursuant to which we exercise substantial control over the use of our content and our brands.

#### Time's Discovery of the Mygazines.com Website

- 23. On July 22, 2008, an employee of Time learned of the existence of the Infringing Website and immediately notified us. Upon receiving this information, I personally visited the Infringing Website and verified that the site indeed contained numerous issues of our magazines. available for free to be read, shared, and manipulated by visitors to the site. I believe that we discovered the Infringing Website within weeks of it going "live", based on the absence of any mention of the website online prior to end of June 2008, and an abundance of commentary, blogs and message boards mentioning the Website beginning in mid-to-late July. A printout of the Infringing Website's home page is annexed hereto as Exhibit 3.
- 24. Although the Infringing Website claims to be a site that allows users to "upload" their own favorite magazine content, it was apparent to me even upon my first review that most of the magazines available on the site did not appear to have been uploaded by third-party users. The magazines generally had been uploaded anonymously, and the uniform quality of the scanned images was striking. Indeed, literally hundreds of the magazines on the Site have had their UPC bar codes and/or mailing address information obscured in exactly the same way: by the apparent application of gray or white strips of paper to cover the information before the issue was scanned. Examples of this method of obscuring the UPC bar code and other information are annexed hereto as Exhibit 4. Also, almost all of the magazines were very recent issues, as if

someone had purchased a large quantity of magazines from a newsstand, scanned each of them, and loaded them on the site.

- 25. At that time, a total of 61 issues of Time's magazines were available on the Infringing Website:
  - Entertainment Weekly (July 25, 2008, July 18, 2008, July 11, 2008, June 20, 2008 and June 27, 2008 issues)
  - Essence (August 2008 and July 2008 issues)
  - Fortune 500 (May 5, 2008 issue)
  - Fortune Special Investors Issue (2008 issue)
  - Fortune (July 7, 2008 issue)
  - Golf (August 2008 and June 2008 issues)
  - In Style (August 2008 and July 2008 issues)
  - *Money* (June 2008 issue)
  - *People* (July 28, 2008, July 21, 2008, July 14, 2008, July 7, 2008, June 30, 2008, June 23, 2008, June 16, 2008, June 2, 2008, and May 26, 2008 issues)
  - People En Espanol (August 2008 and July 2008 issues)
  - People Child Stars (Summer 2008 issue)
  - *People Style Watch* (June 2008 issue)
  - Real Simple (August 2008, July 2008 and June 2008 issues)
  - Sports Illustrated (July 14, 2008, July 7, 2008, June 30, 2008, June 23, 2008, June 16, 2008, June 2, 2008, May 19, 2008 and May 12, 2008 issues)

- Sports Illustrated For Kids (August 2008, July 2008 and June 2008 issues)
- This Old House (July 2008 issue)
- Time (July 21, 2008, July 14, 2008, July 7, 2008, June 23, 2008, June 16, 2008, June 9, 2008, June 2, 2008, May 19, 2008, and May 12, 2008 issues)
- Coastal Living (July 2008 and June 2008 issues)
- Cooking Light (July 2008 and June 2008 issues)
- Health (July 2008 and June 2008 issues)
- Southern Accents (July 2008 issue)
- Southern Living (July 2008 and June 2008 issues)

Printouts of pages from the Infringing Website showing each of the above magazine issues are annexed hereto as Exhibit 5.

- 26. Since our initial discovery that the above infringing copies of our magazines were being offered on the Infringing Website, at least 23 additional issues of Time's magazines have been uploaded onto this site, including two issues of an additional magazine title, Business 2.0:
  - Business 2.0 (April 2007 and May 2007 issues)
  - Entertainment Weekly (August 1, 2008, August 15, 2008, and August 8, 2008 issues)
  - Fortune Small Business (May 2007 issue)
  - Golf (September 2008 issue)
  - Money (August 2008 issue)
  - People (August 11, 2008, August 18, 2008, and August 4, 2008 issues)
  - People en Espanol (September 2008 issue)

- Sports Illustrated (August 11, 2008, August 18, 2008, August 4, 2008, and July 28, 2008 issues)
- Sports Illustrated For Kids (September 2008 issue)
- *Time* (August 11, 2008, August 18, 2008, August 4, 2008, and July 28, 2008 issues)
- Cooking Light (August 2008 issue)
- Southern Living (August 2008 issue)

(The issues of the magazines owned by Time which are being offered on the Infringing Website, as identified in paragraphs 25 and 26, are collectively referred to as the "Infringed Magazine Issues.")

27. Time has not authorized the owners of Mygazines.com, or anyone else, to display copies of the Infringed Magazine Issues on the Infringing Website.

## The Blatantly Infringing Nature of the Mygazines.com Website

- 28. The Infringing Website purports to be a "free place to browse, share, archive and customize unlimited magazine articles uploaded by you, the Mygazines community"; the site's tagline reads: "upload. share. archive". The site proclaims that "[y]our document will be converted by our system into an interactive publication allowing users from all over the world to read, comment, share and archive articles from your publication until the end of time!" Copies of relevant pages from the Infringing Website describing these and other aspects of the site are annexed hereto as Exhibit 6.
- 29. With respect to clipping and recompiling articles from different magazines, from different publishers, published at different times into a new compilation referred to at the Infringing Website as "mygazines" the site says:

So what are you to do with all these articles you like? Why not archive them into your own personal magazines, or, "mygazines": a collection of articles arranged just the way you like them. Each of your mygazines can be focused on an area of interest - you could setup "recipes" mygazines and store all those pie recipes you found. Redecorating your bedroom? Create "bedrooms" mygazines and store all the articles you find on bedroom décor. You can create as many mygazines as you like and store as many or as few articles in each as you like. The possibilities are endless!

#### See Exhibit 6.

- 30. The Infringing Website allows and indeed encourages users to email links to magazines, articles or customized "mygazines" to others; to "share" magazines, articles and "mygazines" with other members of the site; and to bookmark or save favorite content on the site.
- 31. Other than two boilerplate sentences in the Terms of Use regarding content that is "infringing, libelous, defamatory, obscene, pornographic, abusive, offensive, profane, or otherwise violates any law or right of any third party", and conduct that would "violate any laws in your jurisdiction (including but not limited to copyright laws)", nowhere on the Infringing Website is there any indication that users should not post copyrighted magazine content. Indeed, to the contrary, the Terms of Use state:

By uploading, submitting or otherwise disclosing or distributing Content for display or inclusion on the Site, you represent and warrant that either:

- you purchased the Content,
- you created the Content,
- you own the rights to the Content, and/or
- the Content is freely distributed by its Creator

See Exhibit 6. Obviously, no individual user will have created an entire magazine published by Time (or any other publisher), and will not own the rights in the magazine, and Time does not distribute its magazines for free (nor, to its knowledge, do other publishers). Yet the representation and warranty required by the Infringing Website is in the disjunctive, and indicates that users who have merely "purchased" magazines are free to upload copies of those magazines. Thus, the site's owners are clearly encouraging users to upload infringing content.

- 32. Throughout the Infringing Website, the names and full covers of Time's magazines are used to guide users through the site. In particular, the home page for the site includes, at the top of the page, a revolving, virtual "news rack" that contains a changing assortment of magazine covers, including Time's magazine covers. See Exhibit 6. Clicking on those covers leads to web pages within the site dedicated to each magazine issue.
- 33. The names of Time's magazines are used as the titles of multiple web pages throughout the site, and as a consequence, searches on search engines (such as Google) for Time's magazines, yield search results that include Mygazines.com web pages for those magazines, often at the top of search results and above search results that link to Time's own websites. Copies of samples of such search results are annexed hereto as Exhibit 7.

### The Owner of the Infringing Website Attempts to Conceal His Identity

34. Upon discovery of the Infringing Website, one of the first things we did was to try to uncover some information about the ownership of the Infringing Website. We located the WHOIS information for the mygazines.com domain name, and that information was as follows:

owner-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited

organisation: Salveo Limited

person: John Smith address: Mitchell House

zipcode: P.O. Box 17

city: The Valley country: Anguilla

phone: 40.312249340

E-Mail: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

A copy of the full WHOIS information for the domain name Mygazines.com is annexed hereto as Exhibit 8.

- 35. We were immediately skeptical that "John Smith" was the name of a real person, especially given the private/masked email address routed through Gandi SAS, the registrar for the domain name. Additionally, the address for the registered owner of the Infringing Website, "Salveo Limited", is a post office box address in Anguilla and the listed phone number for the company (40.812249340) is a Romanian number.
- 36. In addition to the above information, we were able to determine from the WHOIS results that the Domain Name Server ("DNS") for the Infringing Website was being hosted by Dynamic Network Services, Inc., of Manchester, New Hampshire ("Dynamic").

## Time's Cease and Desist Letters and Takedown Notices to Mygazines.com and a Series of Web Hosts

- 37. Armed with that limited information, we engaged outside counsel to further investigate the Infringing Website, and send appropriate cease and desist letters, including takedown notices under the Digital Millennium Copyright Act ("DMCA") as appropriate, to John Smith at Salveo Limited, as well as any internet service providers that were providing hosting services for the Infringing Website, demanding that, at a minimum, our magazine content be removed from the site.
- 38. On July 23, 2008, our outside counsel sent Salveo Limited – to the attention of John Smith – a cease and desist letter, as well as a DMCA take-down notice in the event that any of Time's content on the Infringing Website had actually been posted by third-party users. The cease and desist letter and take down notice were sent by overnight mail to Salveo Limited's physical address in Anguilla and by email to several email addresses that appear on the Infringing Website and purport to be addresses for claims of abuse or general feedback about the

site (abuse@mygazines.com, feedback@mygazines.com). The letter and take down notice were also sent to the private/masked email address in the WHOIS information for the mygazines.com domain name (bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net). Copies of the cease and desist letter and take down notice sent to Salveo Limited are annexed hereto as Exhibit 9.

- 39. In that cease and desist letter, we demanded that Salveo Limited either shut down the Infringing Website or remove our magazines from the site. The letter also clearly advised of Time's belief that the content was primarily being uploaded not by third parties but by the site's owners and thus constituted direct copyright and trademark infringement, as well as contributory infringement and inducement of others to infringe.
- The letter and take down notice emailed to the abuse and feedback email 40. addresses for the Infringing Website were returned undeliverable, stating that "The e-mail account does not exist at the organization this message was sent to". The email addressed to Salveo at the email address listed for the company in WHOIS generated the following response: "We are currently unavailable. Thanks in advance for your patience and understanding". The copies of the letter and take down notice that were mailed were delivered successfully to Salveo's post office box in Anguilla. Copies of these email responses and Federal Express confirmation are annexed hereto as Exhibit 10.
- 41. On July 23, 2008, we learned that the company providing web hosting for the Infringing Website was Cybernet Communication Inc., of Markham, Ontario ("Cybernet"), a town just outside of Toronto, Ontario. We then instructed our outside counsel to send a cease and desist letter to Cybernet as well as to Dynamic, the DNS host. (A DNS host provides the servers which allow a domain name to be associated with underlying content on a website; that

- 42. Our outside counsel then contacted Cybernet and Dynamic by telephone on July 25, 2008 to determine whether those companies intended to take action with respect to the Infringing Website in response to our written demands. In speaking to employees of Dynamic, our outside counsel learned that Dynamic had called the phone number listed in the Mygazines.com domain name WHOIS information (the Romanian number), and reached an owner of the site and conveyed to that individual that the site constituted a serious copyright The individual with whom Dynamic spoke responded dismissively to that infringement. admonition. Subsequent to that call, Dynamic terminated its DNS hosting services for the Infringing Website. However, the owners of the Infringing Website apparently then switched the site from Dynamic to a new DNS hosting service, Gandi SAS in Paris (the site's domain name registrar, as noted in Paragraph 35 above).
- 43. As to the web host, Cybernet, our outside counsel was unable to secure any immediate assurances by telephone that Cybernet would take down the infringing materials or the Infringing Website as a whole and, as we later learned, that was hardly surprising given Cybernet's intimate involvement in this entire scheme. On July 25 – that same day – our outside counsel received the following non-committal email response from Cybernet, stating:

Thank-you for raising this issue to our attention. We have forwarded your concerns for investigation. Should we have further information, we will advise.

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Sincerely,
Rick Ross, President
myCybernet / SwitchWorks Technologies Inc.

A copy of this email is annexed hereto as Exhibit 12.

- 44. Also on that same day, we learned that the Infringing Website was being hosted by another web host in addition to Cybernet, a company known as Secure Hosting, Ltd. in Nassau, Bahamas, so we instructed our outside counsel to send a cease and desist letter to that company, as well as to Gandi SAS. Gandi SAS responded by saying that it was the registrar of the domain name, but provides no hosting services; Secure Hosting responded only by acknowledging receipt of our demand. Copies of our counsel's letter and these responses are annexed hereto as Exhibit 13.
- 45. As of July 27, 2008, we thought that Cybernet had complied with our demand letter, and had removed the Infringing Website from its servers, such that the only hosting service for the site was Secure Hosting in the Bahamas. However, as explained further below, that was not the case: indeed, Cybernet continues to host the Infringing Website's content despite our letters and notices.
- 46. After numerous additional calls from our outside counsel seeking information regarding the status of our demands, on July 31, 2008 we received an email from Secure Hosting in the Bahamas stating: "The content that you refer to in your complaint is no longer hosted on our networks." A copy of that email is annexed hereto as Exhibit 14. We confirmed that this was the case, but without missing a beat, the owners of the Infringing Website yet again migrated their content to another web host— this one in Hong Kong— named New World Telecommunications Limited. We thereafter learned that the Infringing Website was simultaneously being hosted by Best Hosting in Moscow. Again, our outside counsel sent a

cease and desist letter to these new hosts. A copy of that letter, dated August 1, 2008, is annexed hereto as Exhibit 15.

- 47. New World Telecommunications Limited and Best Hosting continue to host the Infringing Website, despite our demands. Copies of reports showing that these companies are still providing hosting services to the Infringing Website are annexed hereto as Exhibit 16.
- 48. On August 6, 2008, the owner of Mygazines apparently added an additional web host called "PRQ INET"; this one is based in Stockholm, Sweden. According to the New York Times, "PRQ is owned by two founders of the Pirate Bay, the BitTorrent tracker site that is Hollywood's least favorite online destination. The Pirate Bay guys have made a sport out of taunting all forms of authority, including the Swedish police, and PRO has gone out of its way to be a host to sites that other companies would not touch. It is perhaps the world's least lawyerfriendly hosting company. . . . " A copy of a February 25, 2008 New York Times article about PRO, accessed August 7, 2008, is annexed hereto as Exhibit 17.
- 49. On August 8, 2008, at our instructions, our outside counsel then sent a cease and desist letter to PRQ in Stockholm. A copy of that letter is annexed hereto as Exhibit 18.

### The Roles of Defendants Cybernet, Switchworks and Ross in the Ongoing Infringement

50. The Infringing Website now appears to be switching regularly between PRO in Stockholm, and Cybernet, the original web host in Markham, Ontario, in an effort to evade Time's demands and detection. Despite Cybernet's apparent compliance on July 25, we have since learned that it in fact never stopped hosting the Infringing Website, and at the very least has always maintained the site's image library of magazine files, on its servers in Ontario. It is my understanding that when a visitor seeks to view a magazine on the Mygazines.com site, the primary web hosting servers request the underlying magazine file from Cybernet's server which

hosts the image content. A copy of a report showing Cybernet as the host of the image servers is annexed hereto as Exhibit 19.

- 51. Cybernet is apparently owned by, or closely affiliated with, a company known as Switchworks Technologies, Inc. ("Switchworks"). Switchworks also hosts the Infringing Website's image library. *See* Exhibit 19. The president of both companies is one Rick Ross. Mr. Ross has stated on a business networking website that "Switchworks has evolved to become an incubator organization focused on the development of next generation Internet companies ...." An incubator company typically works to develop entrepreneurial companies by providing business support resources. A copy of Mr. Ross's statement about Switchworks is annexed hereto as Exhibit 20. On August 1, 2008, our outside counsel sent a demand letter to Switchworks. A copy of that letter is annexed hereto as Exhibit 21.
- his company Cybernet does business under the name "MyCybernet" (emphasis added) on the Internet at www.mycybernet.net (emphasis added), and one of his other companies within the Cybernet incubator, which offers customizable virtual "personas" for websites, is known as "MyPersona" (again, emphasis added). Printouts of the MyCybernet and MyPersona home pages are annexed hereto as Exhibit 22. The fact that Cybernet/Switchworks is hosting the Mygazines site and all of its infringing images is strong circumstantial evidence that Mygazines.com is but another company in the Switchworks incubator. Even if that is not the case, Cybernet/Switchworks has been on notice since July 24, 2008 that we object to the hosting of Time's magazines on the Infringing Website, and despite repeated demands (a copy of an August 6, 2008 follow-up letter to Cybernet and New World Telecom is annexed hereto as Exhibit 23), it has not taken any action whatsoever to address this blatant infringement.

53. The accompanying declaration of our computer forensics investigator sets forth in more detail the technical details of the Cybernet and Switchworks hosting, as well as the apparent role of defendants Abbas and Schwartz in the infringing conduct.

### Efforts of the Infringing Website's Owners to Disguise Their Identities

- 54. As noted at the outset, the only names publicly identified with the Infringing Website are "John Smith" and "Salveo Limited", which are listed in the WHOIS information for the mygazines.com domain name. The Infringing Website lists no information about its ownership or the physical location of its business operations (if any), and the email addresses listed on the site are not active. Emails to the address listed in the WHOIS information are automatically bounced back to the sender from the return email address "salveoltd@gmail.com". Likewise, the telephone number listed is apparently a number in Romania, although it is my strong suspicion that this is a "virtual" telephone number that is likely forwarded to a number in another country. Our outside counsel has called that number on several occasions, at our instruction, but has reached a recording saying that the party is unavailable.
- 55. As detailed below, on several occasions the purported owner of the Infringing Website has communicated to the press his intentions for the site, including his intent to further monetize it, identifying himself only as "John Smith" or as being based in Anguilla, consistent with the WHOIS information for the domain name. Copies of articles about the Infringing Website quoting "John Smith" are annexed hereto as Exhibit 24.
- 56. On the Facebook social networking website, a "John Smith" has posted an application that can be added to a user's Facebook account entitled "Mygazines Gift". That application allows users to "share" magazines (including Time's magazines) from the Mygazines site with other Facebook users. The posting states:

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With Mygazines Gift! you can share magazines with your friends so they can read it!

Simply select a category, then a magazine, and then some friends. Unlock more selection of magazines by earning "Gazines". You earn one "G" for every share.

Relevant pages from Facebook are annexed hereto as Exhibit 25.

#### **Defendant Darren Andrew Budd is Unmasked**

- 57. We reviewed the "domain history" for the mygazines.com domain name and learned that the WHOIS information for the domain name at various points over the last several years since it was first registered on October 14, 2006 listed the original registrant for the domain name as one "Darren Budd". This suggests that Mr. Budd has had a scheme to offer infringing magazine content for several years. A copy of that domain history is annexed hereto as Exhibit 26. This discovery prompted our further investigation of that individual to try to unmask "John Smith".
- 58. We then searched the database of the United States Patent & Trademark Office ("USPTO") and discovered that a "Darren Andrew Budd" of 21 Mayfair Avenue, Toronto, Canada, had applied to register the word mark MYGAZINES in International Class 16 for use on and in connection with "computer software relating to general interest magazines; computer software development tools; electronic publications, namely, general interest magazines; audio and audio-visual recordings relating to general interest magazines"; in International Class 16 for "printed publications, namely, general interest magazines"; in International Class 41 for "electronic publishing, namely, publication of text and graphic works of others relating to general interest magazines," and in two other International Classes in the United States, on September 13, 2007. That application, which was submitted by an attorney practicing with a law firm in Washington, D.C., was recently suspended, pending the resolution of an application filed

in the Canadian Intellectual Property Office ("CIPO"), which is the Canadian equivalent of the USPTO. A copy of Mr. Budd's USPTO trademark application is annexed hereto as Exhibit 27.

- 59. We then searched the CIPO trademark database and discovered that a "Darren Andrew Budd" of 21 Mayfair Avenue, Toronto had applied for the registration of a trademark for the word mark MYGAZINES on September 5, 2007. That application was submitted by an attorney practicing with a law firm in Toronto. A printout showing Mr. Budd's CIPO trademark application is annexed hereto as Exhibit 28.
- 60. Once we learned of Mr. Budd's name from these trademark filings for MYGAZINES, we were able to discover that a person posting under the name "Darren Budd" has made numerous postings on various Facebook pages advertising the Infringing Website, including postings that use Time's magazine covers and trademarks to advertise that site. Examples of these postings are annexed hereto as Exhibit 29.

### Defendants' Advertising and Promotion of the Infringing Website

- 61. While simply ignoring plaintiffs' cease and desist letters and our demands, Mygazines.com has been actively and continuously promoting the Infringing Website, not just on Facebook as noted above. For instance, on July 29, 2008, Mygazines issued a press release stating that "The mygazines concept is simple, essentially it allows its members to share magazines in the same manner a doctors' office, law firm, libraries, and hair salons would with their clients every day. mygazines allows users to read, archive and upload content for everyone to read and share within the online magazine community." That press release further states: "The mygazines platform was designed for growth, and the possibilities are endless." Exhibit 24.
- 62. On August 5, 2008, Mygazines.com sent a letter (without attribution to an individual author) to Press Gazette, a British publication that had previously written about

Mygazines.com. That letter, published in its entirety by *Press Gazette*, described the website as a "free magazine store", and responded to previous press coverage about the site as follows:

> The most surprising aspect of almost every article is that they are completely missing our inactive revenue model. We have ways of drawing revenue from a number of sources, some more obvious than others. Mygazines is hardly a pirate website with the interest of breaking the industry. Rather, we offer a paradigm shift that is far more fiscally comprehensive than meets the eye and yet easily transitionable by even the biggest publishers... The true future of the industry lies in the final stages of our site concept. We can easily transition to the final revenue model quickly with the cooperation of the publishers. We cannot however reveal the full concept at this time as we are saving that discussion for the publishing industry directly...

(emphasis supplied) Mygazines removed any lingering doubt that it is transacting business and earning or will earn substantial revenues when it conceded in that August 5, 2008 letter: "Mygazines sharing model is a solid one with lots of hidden potential revenue and demographics to appease all." See Exhibit 24.

- 63. Recently, the Infringing Website has begun encouraging users, regardless of country of residence, to refer friends to the site, by offering a monthly prize of US\$1,000 to the user who refers the most friends each month during the next six months, with a grand prize of US\$5,000 for the user who has referred the most friends in the aggregate over a six-month period. See Exhibit 30.
- 64. It appears that Mygazines.com's promotion is having the intended result: Alexa.com – a website that provides statistics for traffic to websites – shows that traffic to the Infringing Website has skyrocketed over the past few months, moving from a ranking of 8,234,477 to an average ranking during the first week of August 2008 of 23,480 (that is, putting it in the top 25,000 most visited websites in the world). For the sake of comparison, Alexa.com's rankings for some of Time's magazine websites during roughly the same period

were: Time.com (725); ew.com (*Entertainment Weekly*) (1,458); RealSimple.com (11,784); Golf.com (12,984); CookingLight.com (31,071); SouthernLiving.com (65,151); and CoastalLiving.com (148,946). Printouts from Alexa.com showing these statistics are annexed hereto as Exhibit 31.

- 65. Alexa.com also shows that Mygazines.com receives approximately 54% of its traffic from the United States. By contrast, traffic from Canada (which ranks a distant second after the United States), makes up only 8% of the total traffic.
- 66. Also, it appears that the promotion of the Infringing Website may now be encouraging third-party users to finally begin uploading material to the site themselves. Even this by no means certain, given that the site only indicates a username for a particular uploaded document without any other identifying information such as an email address or location (and thus many of these purported users could be mere aliases for defendants). Yet it appears that of the over 1152 magazines shown in the "recently uploaded" section of the site, 43 are listed as having been uploaded by a user other than "Anonymous Contribution". Given that some of the users uploaded several items, as of August 12 the total number of non-anonymous users who had uploaded material was 34, indicating that less than 3.75% of the content was uploaded by users who have usernames. Notably, approximately the first 700 magazines uploaded to the site were uploaded anonymously.
- 67. We have identified two users in particular who do appear to be real individuals. Those users go by the usernames "aliciapascale" and "turkeymonkey". The username "aliciapascale" appears to be associated with an individual named Alicia Pascale, who lives in Westchester County, New York, and has uploaded a copy of *Putnam* magazine to the Infringing Website (*Putnam* magazine is a local magazine for Putnam County, New York). The username

"turkeymonkey" appears to be associated with an individual named Ted Mann, who also lives in Westchester County, New York, and has uploaded a copy of *Rockland* magazines to the Infringing Website (*Rockland* magazine is a local magazine for Rockland County, New York). Printouts from the Infringing Website showing these users' uploads, and printouts of other publicly available information identifying these users, are annexed hereto as Exhibit 32.

- 68. Apparently, the success of Mygazines.com's model of trading on the content of the copyright owners without permission has encouraged Darren Budd and those with whom he is working to launch a new website, Porngazines.com, which is a direct clone of Mygazines.com, except that its offerings are only of "adult" magazines. The domain name for Porngazines.com is registered to one "Juan Cortez" at the same address as listed for Salveo Limited, in The Valley, Anguilla. A printout of the porngazines.com WHOIS information is annexed hereto as Exhibit 33.
- 69. The Terms of Use of the Porngazines.com site differ from those of the Mygazines.com site, in that they specifically address the issue of notice under the Digital Millennium Copyright Act. In language that is conspicuously absent from the Mygazines.com Terms of Use, the Porngazines Terms of Use states:

Porngazines respects the intellectual property of others. It is Porngazines's policy to respond expeditiously to claims of copyright and other intellectual property infringement. Porngazines will promptly process and investigate notices of alleged infringement and will take appropriate actions under the Digital Millennium Copyright Act ("DMCA") and other applicable intellectual property laws. Upon receipt of notices complying or substantially complying with the DMCA, Porngazines may act expeditiously to remove or disable access to any material claimed to be infringing or claimed to be the subject of infringing activity and may act expeditiously to remove or disable access to any reference or link to material or activity that is claimed to be infringing. Porngazines will terminate access for subscribers and account holders who are repeat infringers.

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DWT 11669259v4 3840024-000013

Printouts from relevant portions of the Porngazines.com site are annexed hereto as Exhibit 34.

70. It also appears that Mr. Budd and his colleagues intend to expand their infringing concept even further: Mr. Budd has registered the domain name kidgazines.com, as well. A copy of the WHOIS information for kidgazines.com is annexed hereto as Exhibit 35.

## **Defendants' Conduct is Causing Time Irreparable Harm**

- 71. Defendants have lifted, wholesale, our valuable intellectual property, including the copyright ownership interest we have in the Time magazines, the brands we have worked so long to establish as reflected in our trademarks and trade dress of those magazines, and the substantial goodwill we have invested much time, effort, advertising and the like to develop over, in some cases, decades. What defendants are doing constitutes blatant infringement: simply scanning entire issues of magazines, uploading them online, and encouraging users to read them online instead of buying copies at the newsstand, by subscription, or at our own authorized and licensed websites. It also encourages them to take articles from our magazines and combine them with articles from magazines published by other copyright holders, to create unauthorized derivative works.
- 72. Consumers, upon viewing the Infringing Website, are likely to believe that we have authorized Mygazines.com to post entire copies of our magazines on this website and that Mygazines.com is licensed by or otherwise associated with Time. Our content is up there in full; our trademarks and trade dress are plastered all over the pages of the website, and are used to advertise it.
- 73. We have absolutely no way of knowing how many potential purchasers of our magazines have declined or will decline to purchase them because they can simply read them for free online at this unauthorized site, rather than visiting our own authorized sites. Further, much as in the case of music industry websites such as the now-defunct Napster and Grokster, which

allowed the sharing of individual songs from whole albums, consumers may simply read a single article or the headline article from a particular issue of our magazine on the Infringing Website, rather than buying the entirety of the magazine or subscribing to it. Likewise, we have no way of knowing how many advertisers who currently advertise in our magazines might otherwise be inclined to advertise on Time's websites but, seeing their advertisements distributed *gratis* on the Mygazines.com website, will decline to do so.

- 74. Our editors take care in selecting a mix and balance of articles to appear in each issue of our magazines. Of course, we recognize that some consumers will read, at their whim, some articles and not others. Which articles we choose to combine and compile in a single issue of the magazine is a critical part of our editorial process, and contributes to the expansion and continued strength of our brands. It is our hope and belief that a consumer may, for instance, buy *Time* magazine to read the cover story but then, having purchased the issue, continue reading, discover other stories of interest, and become more inclined to buy the next issue or to subscribe. By urging consumers to unbundle our content and combine it with other content, the Infringing Website threatens to dilute brand associations we have endeavored to build for so long and at such great expense, and to interfere with out relationships with both our customers and advertisers.
- 75. Mygazines.com undoubtedly knows, as the selection on the Infringing Website indicates, that most magazine content is time-sensitive our publications are weeklies (*People*, *Sports Illustrated*, *Entertainment Weekly*, *Time*), bi-weeklies (*Fortune*), and monthlies (*Real Simple*, *InStyle*, *Money*). The window of opportunity for sales, particularly newsstand sales and for unique visitors to our authorized websites, is an extremely limited one. By usurping that

window of opportunity, Mygazines is severely damaging the magazine industry publishing model, as it itself has acknowledged in its letter to the *Press Gazette*. *See* Exhibit 24.

- 76. For the foregoing reasons, together with those urged in the accompanying complaint, the declarations of the other publisher-plaintiffs, and in the accompanying memorandum of law, we seek a temporary restraining order and preliminary injunction, enjoining and restraining defendants from distributing or displaying Time's magazines on the Infringing Website, and from inducing and encouraging the users of that Website to upload Time's content.
- 77. Simply restraining defendants from continuing to post the existing issues of our magazines on the Infringing Website will not, given the time-sensitive nature of the entire magazine industry, suffice to redress the imminent and continuing harm and injury we face. Mygazines.com is not simply running a magazine store where it re-sells copies of the magazines purchased from us or our authorized licensees and distributors; it is reproducing in total virtually each and every issue of our most popular magazines and offering them free to the public at large. Just as defendants have jumped from server to server to evade our legitimate demands, they will simply take down the existing issues and post the next issue of each of these magazines, if a narrow injunction is issued. In these circumstances, this Court has the power, and should exercise that power, to enjoin defendants from continuing to engage in primary and secondary copyright and trademark infringement and dilution, by entering a broad injunction in the language requested.
  - 78. No prior application for the relief requested herein has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August <u>19</u>, 2008

NDREW BLAU

# **EXHIBIT 1**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

brybeth Geters Register of Copyrights, United States of America

FORM SE/GROUP UNITED STATES COPYRIGHT OFFICE	$\varnothing$
TX 6-648-136	!
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DO NOT WRITE ABOVE THIS LINE. ISSNV 'ENTERTAINMENT WEEKLY 10490434 Number▼ lasue date on copies V Month, day, and year of publication \ in order of .<del>7µпа</del> .20., 2008 publication ..... 1001 July 11, 2008 1 1005 August 8, 2008 August 1, 2008 title NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE \(\big| Entertainment Weekly, Inc. 1675 Broadway 29th Floor New York, MY 10019 FOR NON-U.S. WORKS: Author's citizenship ▼ Domicile ▼ Nation of publication ♥ CERTIFICATION\*: I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works identified in this application, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary subscription copies with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. Handwritten Typed or signature (X) printed name PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova Daytime telephone > 212.522.8340 Address (if other than given below) - Same As Below Fax > 212.522.7688 Email | irina mayakova@timeinc.com DEPOSIT ACCOUNT Account number DAO 17523 Irina Mayakova, Time Inc. Legal Dept. Name of account > Time Inc. to this 1271 Avenue of the Americas, Room 11-35C.D City/State/ZIP1 New York, NY 10020-1393

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This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has

been made a part of the Copyright Office records.

Register of Copyrights, United States of America

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**EFFECTIVE DATE OF REGISTRATION** 

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Register of Copyrights, United States of America

Registration Number:

TX 6-857-547

Effective date of registration:

Title —				
Title of Work	: ESSENCE			
	Volume 39	Number 4	Date on Copies	August 2008
Completion/ Publication -				
Year of Completion:	2008			
Date of 1st Publication:	July 15, 2008			
International Standard Number:	ISSN	0014-0880		
Author —				·
Author:	Essence Comn	nunications, Inc.		
Author Created:	collective worl	k		
Work made for hire:	Yes			-1
Copyright claimant				
Copyright Claimant:	Essence Comm	nunications, Inc.		
	135 West 50th	Street, New York, NY,	10020	
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Name:	Irina Mayakova	a		



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TX 6-648-144

AUG 05 2008

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	Fax > 212.522.76	:8	Email	l <u>irina mayak</u>	ova@timeing.com
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TX 6-648-134



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AUG 05 2008

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	FOR NON-U.S. WO	ORKS: Author's ch	tizanship ♥ Domicile	▼ Nation of pub	lication ¥
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	Address (if other the		Same As Below	Daytime telephone ▶ 212.	342.6340
	Fax > 212.522.76	**	Email Email	irina mayakova@timein	C.COM
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City/Sta	in/ZIPV	York, NY 100		Library of Congress Copyright Office	arus, S.E.





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TX 6-648-132



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Fax	212.467.0817	Email > ir:	ina mayakova@timeino.com
			DEPOSIT ACCOUNT
NameY			Account number > DAO 85022
	Irina Mayakova, Time Inc	. Legal Dept.	Name of account > Time4 Media In
Number/St	1271 Avenue of the Americ	es, Room 11-35C.D	F15 63
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			Washington, D.C. 20588-8000



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Register of Copyrights, United States of America

Registration Number:

TX 6-857-563

Effective date of registration:

Title ———			
Title of Work	GOLF MAGAZINE		
	Volume 50 Nu	mber 8 Date on Co	opies August 2008
Completion/ Publication -			
Year of Completion:	2008		
Date of 1st Publication:	July 8, 2008		
International Standard Number:	ISSN 1056	5-5493	
Author —			
Author:	TI Golf Holdings Inc.		
Author Created:	collective work		
Work made for hire:	Yes		
Copyright claimant			
Copyright Claimant:	TI Golf Holdings Inc.		
	1271 Avenue of the Amer	ricas, New York, NY, 10020	
Certification —			
Name:	Irina Mayakova		
·			



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Marybeth Peters
Register of Copyrights, United States of America

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UNITED STATE	8 COPYRIGHT OFFICE



AUG 05 2008

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ALIG 05 2008

AUG 05 2009

DO NOT WRITE ABOVE THIS LINE. ISSNY U InStyle 1076-0830 Volume▼ Number▼ Issue date on copies▼ Month, day, and year of publication ▼ in order of .15 . . . . . . **5**. May 2008 .... April .25, 2008 publication . 15 June 2008 . . May 23, 2006 Anja 3008 identical title NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE ¥ 1271 Avenue of the Americas New York, MY 10020 FOR NON-U.S. WORKS: Author's citizenship ♥ Domicile ▼ Nation of publication ▼ N°: I, the undersigned, hereby cartify that I am the copyright charmant or the authorized agent of the copyright claimant of the works plication, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. CERTIFICATION': Handwritten Typed or printed name Irina Mayakova signature (X). PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova Daytime telephone > 212.522.8340 Address (if other than given below) Same As Below Fax > 212.522.7688 Email \_ irina mayakova@timeinc.com DEPOSIT ACCOUNT Account number > DAO 17523 أرما تحري Irina Mayakova, Time Inc. Legal Dept. Name of account > Time Inc. in winder 1271 Avenue of the Americas, Room 11-35C.D Christian/IPV New York, NY 10020-1393

\*(T.U.S.C. \$305(e): Any person who innovingly makes a taken representation of a material feel in the application for copyright registration provided for by section 400, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



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TX 6-857-567

Effective date of registration:

Title —	·			
Title of Work	: INSTYLE			
	Volume 15	Number 8	Date on Copies	August 2008
Completion/ Publication •				
Year of Completion:	2008			
Date of 1st Publication:	July 18, 2008			
International Standard Number:	ISSN	1076-0830		
Author —				
• Author:	Time Inc.			
Author Created:	Collective Work			
Work made for hire:	Yes			
Copyright claimant —				
Copyright Claimant:	Time Inc.			
	1271 Avenue of	the Americas, New Yor	rk, NY, 10020	
Certification —				
Name:	Irina Mayakova			



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TX 6-648-141

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CORRESPONDENCE DO NOT WRITE ABOVE THIS LINE. ISSNV MONEY 10149-4953 Volume▼ Issue date on copies ▼ Month, day, and year of publication V in order of May 2008 publication June 2008 July 2000 . 7ype 23, 2008 identical title NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE ▼ Time Inc. 1271 Avenue of the American New York, MY 10020 FOR NON-U.S. WORKS: Author's citizenship ▼ Domicile ▼ Nation of publication ▼ CERTIFICATION\*: I, the undersigned, hereby certify that I am the copyright charment or the authorized agent of the copyright chairment of the works identified in this application, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary subscription copies with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge.

signature (X)

Typed or printed name

Irina Mayakova

PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova

Daytime telephone > 212.522.8349

Address (if other than given below) - Same As Below

Fax \_ 212.522.7608

Email irina mayakova@timeing.com

to this

Irina Mayakova, Time Inc. Legal Dept.

1271 Avenue of the Americas, Room 11-35C.D

New York, NY 10020-1393

**DEPOSIT ACCOUNT** Account number DAO 17523

Name of account > Time Inc.



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brybeth Geters

Register of Copyrights, United States of America

Document 19-2

TX 6-648-142



EFFECTIVE DATE OF REGISTRATION

AUG 05 2008

CORRESPONDENCE DO NOT WRITE ABOVE THIS LINE. PEOPLE 0093-7673 Number▼ Issue date on copies♥ Month, day, and year of publication \ in order of ..... March .28, 2008 publication 2. ... 69 ..... April 14, 2008 ..... ADF11.4. 2008 ...... 4 . 69 . 16 April 28, 2008 . April 18, 2008 identical 8. N/A N/A June 2008 (Jones) Ney 16, 2008 title 9. 69 20 May 26, 2008 May 26, 2008 11. 69 ... 21 June 7, 2009 ... May 23, 2008 NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE ▼ 1271 Avenue of the American New York, MY 10920 FOR NON-U.S. WORKS: Author's citizenship ▼ Nation of publication ▼ CERTIFICATION\*: I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works identified in this application, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary subscription copies with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. Typed or printed name signature (X) PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name > Irina Mayakova Daytime telephone > 212.522.8340 Address (if other than given below) Same As Below Pax > 212.522.7688 Email | irina mayakova@timeinc.com DEPOSIT ACCOUNT Account number > DAO 17523 Irina Mayakova, Time Inc. Legal Dept. Name of account > Time Inc. 1271 Avenue of the Americas, Room 11-35C.D New York, NY 10020-1393



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TX 6-648-130

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AUG 05 2008

APPLICATION RECEIVED

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\*17 U.S.C. \$506(a): Any person who knowledy makes a false representation of a meterial fact in the application for copyright registration provided for by section 400, or in any written statement filed in connection with the application, small be fixed not more than \$2,500.

New York, MY 10020-1393

Irina Mayakova, Time Inc. Legal Dept. .

1271 Avenue of the Americas, Room 11-35C.D



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brybeth Geters

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CORRESPONDENCE DO NOT WRITE ABOVE THIS LINE. 1221 PEOPLE EN ESPANOL 1096-5750 Issue date on copies V Month, day, and year of publication \ in order of Jyme 2008 ..... April .20, 2008..... publication July 2008 .....June 2, 2009. July 7, 2008 identical NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE ▼ 1271 Avenue of the Americas New York, MY 10020-1300 FOR NON-U.S. WORKS: Author's citizenship ♥ Domicile ▼ Nation of publication ▼ P: I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works discation, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. identified in this modication, that all the conditions a Typed or printed na signature (X) PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova Daytime telephone > 212.522.0340 Address (if other than given below) - Rame As Below Fax > 212.522.7688 Email | irina mayakova@timeinc.com DEPOSIT ACCOUNT Account number > DAO 17523 Name of account > Time Inc. Irina Mayakova, Time Inc. Legal Dept. 1271 Avenue of the Americas, Room 11-35C.D City/Shale/21PT New York, NY 10020-1393



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Register of Copyrights, United States of America

Registration Number:

TX 6-857-545

Effective date of registration:

Title -				
Title of Work	PEOPLE STYLEV	VATCH		
	Volume 2	Number 5	Date on Copies	June/July 2008
Completion/ Publication • Year of Completion:				
Date of 1st Publication:				
International Standard Number:	ISSN	1935-0457	•	
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Author:	Time Inc.			
Author Created:	collective work			
Work made for hire:	Yes		= "	
Copyright claimant -				
Copyright Claimant:	Time Inc.			
	1271 Avenue of the	Americas, New Yor	k, NY, 10020	
Certification —				
Name:	Irina Mayakova			
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Marybeth Peters

Register of Copyrights, United States of America

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TX 6-648-138

EFFECTIVE DATE OF REGISTRATION

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	FOR NON-U.S. WORKS: Author's citizenship ▼ Domicile ▼	Nation of publication ▼
4	CERTIFICATION*: I, the undersigned, hereby certify that I am the copyright chains identified in this application, that all the conditions specified in the instructions on the bar subscription copies with the Library of Congress, and that the statements made by me in the Handwritten signature (X)  PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name   Irina Mayakova  Address (if other than given below)   Same As Below	Tudas Variabara
•	Fax 212.322.7688 Email >	irina mayakova@timeinc.com
it be atted window	Namev Irina Mayakova, Time Inc. Legal Dept.	DEPOSIT ACCOUNT  Account number > DAO 17523  Name of account > Time Inc.
Onia dress:	1271 Avenue of the Americas, Room 11-350 AySam/ZFV New York, NY 10020-1393	Library of Congress Copyright Office 161 Independence Avenue, S.E. Westhington, D.C. 2059-600

"17 U.S.C. \$505(s): Any person who imputing a false representation of a meterial fact in the application for copyright registration provided for by section 400, or in any unities statement fled in with the application, shell be fixed not more than \$2,500.

WES REV: February 2000



# U.S. GOVERNMENT PRINTING OFFICE: 2000-481-113/108



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number:

TX 6-857-540

Effective date of registration:

Title —				
	REAL SIMPL	Æ		
	Volume 9	Number 8	Date on Copies	August 2008
Completion/ Publication -				
Year of Completion:	2008			
Date of 1st Publication:	July 21, 2008			
International Standard Number:	ISSN	1528-1701		
Author —				
	Time Inc.			
Author Created:	collective worl	k		
Work made for hire:	Yes			
Copyright claimant ——				
Copyright Claimant:	Time Inc.			
	1271 Avenue o	of the Americas, New Yo	ork, NY, 10020	
Certification —				
Name:	Irina Mayakova	a		



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

FORM SE/GROUP TX 6-648-145

**EFFECTIVE DATE OF REGISTRATION** 

AUG 05 2008

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	PERSON TO CON	FACT FOR CORRE	SPONDENCE ABOUT THIS CL		telephone > _212.522.8340
•	Address (if other tha	in given below) 🕨 💄	lame As Relow		
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					_ DEPOSIT ACCOUNT
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ed	Irin	a Mayakova,	Time Inc. Legal Dept		Name of account > Time Inc.
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Chy/Sie	te/ZiP▼				Ubrary of Congress
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brybeth Geters Register of Copyrights, United States of America FORM SE/GROUP



EFFECTIVE DATE OF REGISTRATION

AUG 05 2008

DO NOT WRITE ABOVE THIS LINE. ISSN SPORTS ILLUSTRATED 0038-822X issue date on copies▼ Month, day, and year of publication \ in order of publication 108 26 June 30, 2008 109 1 July 7, 2008 July 10, 2008 109 3 July 28, 2008 109 4 August 4, 2008 July 31, 2008 identical NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE W Time Inc. 1271 Avenue of the Amelicas New York, MY 10020 FOR NON-U.S. WORKS: Author's citizenship ▼ Domicile ▼ Nation of publication ▼ CERTIFICATION\*: I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works identified in this application, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary authorized with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. Typed or printed name signature (X) PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova Daytime telephone > 212.522.8340 Address (if other than given below) Same As Below Fax \_ 212.522.7608 Email \_ irina mayakova@timeinc.com DEPOSIT ACCOUNT Account number > DAO 17523 will be malled Irina Mayakova, Time Inc. Legal Dept. Name of account > Time Inc. Number/Street/Apt V 1271 Avenue of the Americas, Room 11-35C.D City/State/ZJP V New York, NY 10020-1393





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Register of Copyrights, United States of America

**Registration Number:** 

TX 6-857-684

Effective date of registration:

Title -		
Title of Work	: SPORTS ILLUSTRATED FOR KIDS	
	מ	rate on Copies June 2008
Completion/ Publication •		
Year of Completion:	2008	
Date of 1st Publication:	May 19, 2008	
International Standard Number:	ISSN 1042-394X	
Author —		
	Time Inc.	
Author Created:	Collective Work	
Work made for hire:	Yes	
Copyright claimant ——		
Copyright Claimant:	Time Inc.	
	1271 Avenue of the Americas, New York, N	Y 10020
Certification ————		
	Irina Mayakova	
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This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number:

TX 6-857-559

Effective date of registration:

Title —		
Title of Work	: SPORTS ILLUSTRATED FOR KIDS	
		Date on Copies July 2008
Completion/ Publication - Year of Completion: Date of 1st Publication: International Standard Number:	June 16, 2008	
Author  Author Created:  Work made for hire:		
Copyright claimant Copyright Claimant:  Certification	Time Inc. 1271 Avenue of the Americas, New York,	NY, 10020
	Irina Mayakova	



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Geters
Register of Copyrights, United States of America

**Registration Number:** 

TX 6-857-562

Effective date of registration:

Title —		T	
Title of Work	: SPORTS ILLUSTRATED FOR KIDS		
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Completion/ Publication - Year of Completion:	2008		
Date of 1st Publication:			
International Standard Number:	ISSN 1042-394X		
Author —			
Author:	Time Inc.		
Author Created:	Collective work		
Work made for hire:	Yes		
Copyright claimant ——			
Copyright Claimant:	Time Inc.		
	1271 Avenue of the Americas, New York	t, NY, 10020	
			=_,
Certification ————			
Name:	Irina Mayakova		
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This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

UNITE	RM SE/GROUP ED STATES COPYRIGHT OFFICE	Ø
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APPLICATION RECEIVED
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	DO NOT WRITE ABOVE THIS LINE.	EXAMINED BY CORRESPONDENCE	
4	TITLE ¥	ISSN▼	
1	THIS OLD HOUSE	1086-2633	
List in order of publication  No previous registration thicker identical title		Month, day, and year of publication ▼  ##FY 26, 2008  June 39, 2008	
2	This Old Souse Ventures, Inc. 1185 Avenue of the Americas New York, MY 18036	Iddie ▼ Nation of publication ▼	
	CERTIFICATION*: I, the undersigned, hereby certify that I am the copyright identified in this application, that all the conditions specified in the instructions on subscription copies with the Library of Congress, and that the statements made by resident transport that the statements made by resident (X)  Light New Person TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLANAME Trina Mayakova	nt claimant or the authorized agent of the copyright claimant of the won the back of this form are met, that I have deposited two compliments on this application are correct to the best of my knowledge.  d or Irina Mayakova	
	Address (if other than given below)		
	Fax > 212.522.7688 Em	mail   irina mayakova@timeinc.com	
	Irina Mayakova, Time Inc. Legal Dept		
this Idraes: Chy/Ste	1271 Avenue of the Americas, Room 11 MZPY New York, MY 10020-1300	1-35C.D    Charge of Congress Copyright Office   101 Independence Avenue, 8.E.   Washington, D.C. 20839-6090	



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Parybeth Geters

Register of Copyrights, United States of America

FORM SE/GROUP

TX 6-648-143

EFFECTIVE DATE OF REGISTRATION AUG 05 2008

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ISSN

Volume▼	Number▼		Month, day, and year of publi
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1271 Avenue of the American New York, MY 10020

FOR NON-U.S. WORKS: Author's citizenship ▼

Domicile ♥

Nation of publication ▼

CERTIFICATION\*: I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works identified in this application, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complementary subscription copies with the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge.

4

Handwritten signature (X). Typed or printed name

Irina Nayakova

PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name | Irina Mayakova

Fax 212.522.7688

Daytime telephone > 212.522.8340

Address (If other than given below) . Same As Below

Email | irina mayakova@timeinc.com

mailed in window to this address:

Irina Mayakova, Time Inc. Legal Dept.

1271 Avenue of the Americas, Room 11-35C.D

Clb/State/ZIPY New York, NY 10020-1393

indance Avenue, S.E. n. D.C. 20589-8006

DEPOSIT ACCOUNT Account number DAO 17523 Name of account > Time Inc.



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Document 19-2

brubeth Geters Register of Copyrights, United States of America

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TX 6-648-135

**EFFECTIVE DATE OF REGISTRATION** 

AUG 05 2008

#### CORRESPONDENCE DO NOT WRITE ABOVE THIS LINE. ISSN TIME MAGAZINE 0040-781X Number♥ Issue date on copies V Month, day, and year of publication ▼ in order of 25 June 23, 2008 June 13, 2008 publication 3 172 June 27, 2008 June 27, 2008 4. 172 3 July 16, 2008 July 4, 2009 6 172 4 July 28, 2008 July 18, 2008 172 5 August 4, 2008 July 25, 2008 identical 172 6 August 1, 2008 August 1, 2008 title NAME AND ADDRESS OF THE AUTHOR/COPYRIGHT CLAIMANT IN THESE COLLECTIVE WORKS MADE FOR HIRE ▼ Time Inc. 1271 Aver New York, MY 10020 FOR NON-U.S. WORKS: Author's citizenship ▼ Domicile ▼ Nation of publication ▼ I, the undersigned, hereby certify that I am the copyright claimant or the authorized agent of the copyright claimant of the works ation, that all the conditions specified in the instructions on the back of this form are met, that I have deposited two complimentary the Library of Congress, and that the statements made by me in this application are correct to the best of my knowledge. CERTIFICATION\*: Mayakor signature (X) printed name PERSON TO CONTACT FOR CORRESPONDENCE ABOUT THIS CLAIM Name - Irina Mayakova Daytime telephone > 212.522.8340 Address (if other than given below) Same As Below Fax > 212.522.7688 Email irina mayakova@timeing.com DEPOSIT ACCOUNT Account number > DAO 17523 Name of account > Time Inc. Irina Mayakova, Time Inc. Legal Dept. 1271 Avenue of the Americas, Room 11-35C.D ClarStria/ZIPY New York, NY 10020-1393

# **EXHIBIT 2**



#### Receipt

Copyright Office Library of Congress 101 Independence Avenue SE Washington, DC 20559-6000

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Date: 8/5/2008 2:18:45 PM

Received			
Form(s):	16 SE GROUP/8	SHORT SE/1 CO	
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Type of Deposit:	117 SERIALS / 2 E	BOOKS	Correspondence
Other Enclosures:	COVER LETTER/	CERTIFICATION LETTER	Inspection
Title:		WEEKLY JUNE 20, 2008 & 118	Photocopies
# of Additional Titles:	ATHERS		
Priority:	Special Handling	3	Certification
Received By:	CKNI		Secure Test Exam
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Received From: TIME	INC / ANDREW B.	LACHOW	Phone: (212) 522-8307
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NEW	YORK, NY 10020-1	393	
Representing: SELF			Phone:
Corresponding Id:			
Fees		Method of Payment	Amount
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Fee to be Determined	: <b> </b>	Money Order:	
Base Fee:	\$2,930.00	Deposit Account: 17523	
Special Handling Fee:	\$17,125.00	Deposit Account Name:	TIME, INC.
Secure Test Exam Fee:	\$	·	
Total Due:	\$20,055.00		
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		Organization:	212-522-8307
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## Time Inc.

### STAMP & RETURN

Time Inc.
Time & Life Building
1271 Avenue of the Americas
New York, NY 10020

212-522-8307 212-467-0860 Fax andrew\_lachow@timeinc.com

Andrew B. Lachow Vice President and Deputy General Counsel

RECEIVED
August 4, 2008
AUG 0 5 2008
COPPRISE TOFFICE

United States Copyright Office Library of Congress 101 Independence Avenue SE Washington, D.C. 20559-6000

Re: Request for Expedited Registration/Special Handling

#### Dear Sir or Madam:

On behalf of Time Inc., publishers of the magazines listed below, I am hereby requesting special expedited handling of the copyright applications for certain issues of our magazines. Expedited handling is requested because the registrations are needed in a prospective litigation seeking a temporary restraining order against a copyright infringer that we intend to file immediately.

I am requesting special handling for the issues in the chart below that have not been previously registered with the Copyright Office. Enclosed you will find applications for registrations along with the required deposit copies.

Entertainment Weekly	June 20, 2008
Entertainment Weekly	June 27/July 4, 2008
Entertainment Weekly	July 11, 2008
Entertainment Weekly	July 18, 2008
Entertainment Weekly	July 25, 2008
Entertainment Weekly	August 1, 2008
Entertainment Weekly	August 8, 2008
Essence	August 2008
Fortune	May 26, 2008
Fortune	June 9, 2008
Fortune	June 23, 2006
Fortune	July 7, 2008
Fortune	July 21, 2008
Golf Magazine	August 2008
InStyle	August 2008
People	June 9, 2008
People	June 16, 2008
People	June 23, 2008

People	June 30, 2008
People	July 7, 2008
People	July 2008 (Miley)
People	July 14, 2008
People	July 21, 2008
People	July 28, 2008
People	August 4, 2008
People	August 11, 2008
People	August 18, 2008
People Child Stars	Summer 2008
People Stylewatch	June 2008
People en Espanol	June 2008
People en Espanol	July 2008
People en Espanol	August 2008
Real Simple	August 2008
Sports Illustrated	June 23, 2008
Sports Illustrated	June 30, 2008
Sports Illustrated	July 7, 2008
Sports Illustrated	July 14/July 21, 2008
Sports Illustrated	July 28, 2008
Sports Illustrated	August 4, 2008
Sports Illustrated for Kids	June 2008
Sports Illustrated for Kids	July 2008
Sports Illustrated for Kids	August 2008
Time	June 23, 2008
Time	June 30, 2008
Time	July 7, 2008
Time	July 14, 2008
Time	July 21, 2008
Time	July 28, 2008
Time	August 4, 2008
Time	August 11, 2008
	=

The following issues in the chart below are the subject of a prior copyright application made in the ordinary course, but as to which registration has not yet been issued. Enclosed you will find applications and deposit copies identical to the original ones previously submitted to the Copyright Office. I can attest that the magazine issues that are included herewith are identical to the issues that were previously submitted, and that the individual applications appended are identical copies of those previously submitted.

Essence	May 2008
Essence	June 2008
Essence	July 2008
Fortune	March 17, 2008
Fortune	March 31, 2008
Fortune	April 14, 2008
Fortune	April 28, 2008
Fortune	May 5, 2008
Fortune	May 12, 2008
Golf Magazine	May 2008

Golf Magazine	June 2008
Golf Magazine	July 2008
InStyle	May 2008
InStyle	June 2008
InStyle	July 2008
Money	May 2008
Money	June 2008
Money	July 2008
People	April 7, 2008
People	April 14, 2008
People	April 21, 2008
People	April 28, 2008
People	May 5, 2008
People	May 12, 2008
People	May 19, 2008
People	June 2008 (Jonas)
People	May 26, 2008
People	June 2008 (Country)
People	June 2, 2008
Real Simple	May 2008
Real Simple	June 2008
Real Simple	July 2008
Sports Illustrated	April 7, 2008
Sports Illustrated	April 8, 2008
Sports Illustrated	April 14, 2008
Sports Illustrated	April 21, 2008
Sports Illustrated	April 28, 2008
Sports Illustrated	May 5, 2008
Sports Illustrated	May 6, 2008
Sports Illustrated	May 12, 2008
Sports Illustrated	May 19, 2008
Sports Illustrated	May 26, 2008
Sports Illustrated	June 2, 2008
Sports Illustrated	June 9, 2008
Sports Illustrated	June 10, 2008
Sports Illustrated	June 16, 2008
Time	April 7, 2008
Time	April 14, 2008
Time	Summer 2008 (S&D)
Time	April 21, 2008
Time	April 28, 2008
Time	May 5, 2008
Time	May 12, 2008
Time	May 19, 2008
Time	May 26, 2008
Time	June 2, 2008
Time	June 9, 2008
Time	June 16, 2008

Based upon my calculations, the regular registration fees total \$2930.00 and the special handling fee of \$685 per application total \$17,125.00, for a grand total of \$20,055.00. Please charge this amount to Time Inc. Deposit Account No. DAO 17523.

Given the prospective litigation, we also need a certified copy of each registration certificate to be mailed to me on an expedited basis at Time Inc. The certification and copying fees can be charged to the same Time Inc. Deposit Account DAO 17523.

I hereby certify that the information in this request is correct to the best of my knowledge.

Thank you in advance and please do not hesitate to contact me with any questions in connection with this request.

Sincerely,

Andrew Lachow Vice President and Deputy General Counsel

Time Inc.

1271 Avenue of the Americas New York, NY 10020--1393 Telephone: (212) 522-8307

Fax: (212) 467-0860

andrew\_lachow@timeinc.com

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.



EFFECTIVE DATE OF REGISTRATION



REGISTRATION NUMBER

				Month	Day	Year
	DO NOT WORTE A DOVE THE	O LINE IE VOU NEED L	IODE ORIGINAL CONTRACTOR			
EQUIPMENT AND SOCI	TITLE OF THIS SERIAL	S LINE, IF YOU NEED N	IORE SPACE, USE A SEPARA	IE CONTINUATION S	HEET.	CONTRACTOR (APPENDIC
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	Southern Accents, Inc., dba			1997		
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	✓ Yes	OR Citizen of Domiciled in	(*)		□ Yes □ No	of these questions is "Yes," see detailed instructions.
NOTE	□ No NATURE OF AUTHORSHIP		naterial created by this author in whic		Yes No	insuucions.
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this space.	Birmingham, AL 35209 TRANSFER If the claimant(s) nan	ned here in space 4 is (are) d	ifferent from the author(s) named in	ONE DEPOSIT	J.1COL14LD	
¥70.0	space 2, give a brief statement of ho	w the claimant(s) obtained o	wnership of the copyright. ▼	FUNDS RECEIVE	'ED	
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· Complete all applicable spaces (numbers 5-9) on the reverse side of this page.

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		CHECKED BY	77, 404
		CORRESPONDENCE	FOR
		Yes	COPYRIGH OFFICE
			USE ONLY
	DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPA	ACE, USE A SEPARATE CONTINUATION SHEET.	
PREVIOU	S REGISTRATION Has registration for this work, or for an earlier versio	n of this work, already been made in the Copyright Office?	Paris
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b, 🗌 This is	the first application submitted by this author as copyright claimant.		
	a changed version of the work, as shown by space 6 on this application.	V (20 1) 1	
ir your arew	ver is "Yes," give: Previous Registration Number ▶	Year of Registration ▶	
DERIVAT Preexisting	TVE WORK OR COMPILATION Complete both space 62 and 6b for a di- Material Identify any preexisting work or works that this work is based	erivative work; complete only 6b for a compilation. on or incorporates. ▼	a C
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Material Ad	ded to This Work Give a brief, general statement of the material that has been	en added to this work and in which copyright is claimed. 🔻	this space.
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☐ Yes 62No If your answer is "Yes," why, is another registration being sought? (Check appropriate box.) ▼ a. ☐ This is the first published edition of a work previously registered in unpublished form. b. ☐ This is the first application submitted by this author as copyright claimant. c. ☐ This is a changed version of the work, as shown by space 6 on this application.  If your answer is "Yes," give: Previous Registration Number ▶ Year of Registration ▶  The previous Registration Number ▶ Year of Registration Number ▶ Year of Registration ▶  DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.	5
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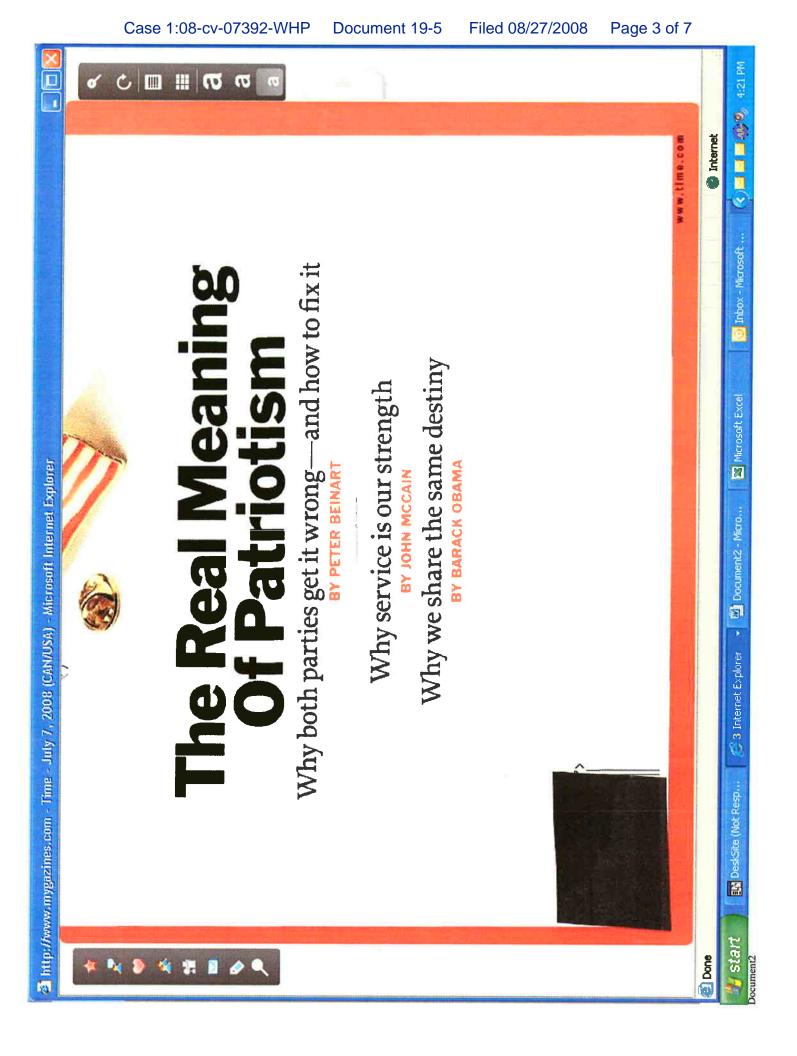
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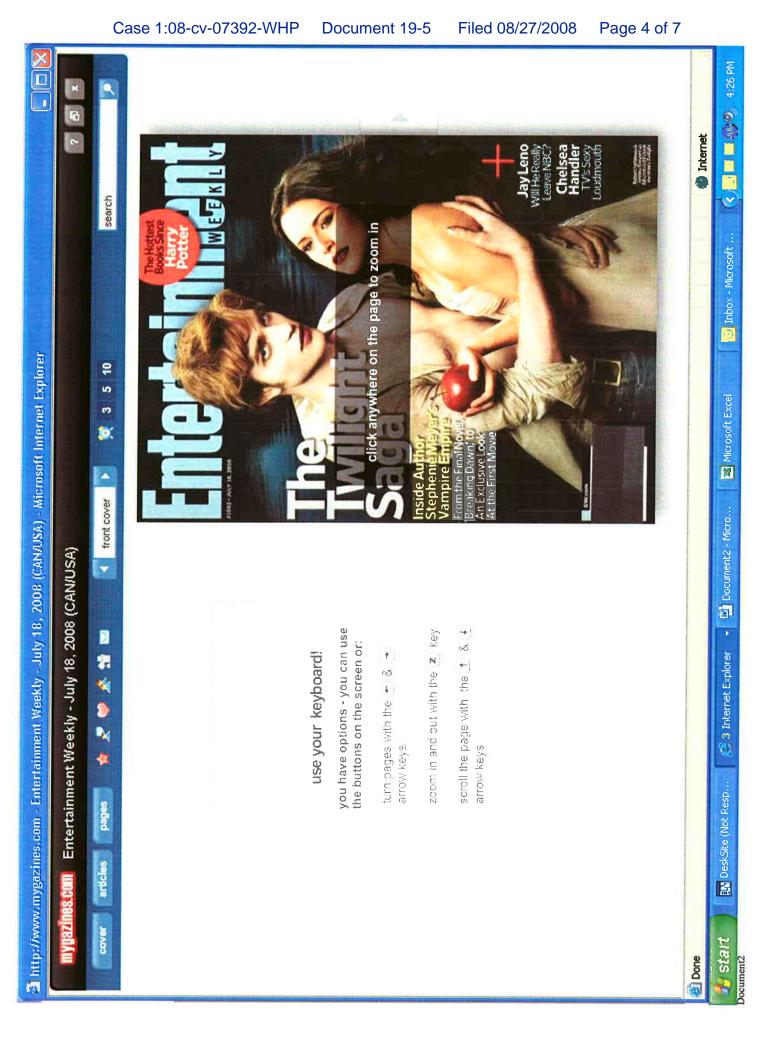
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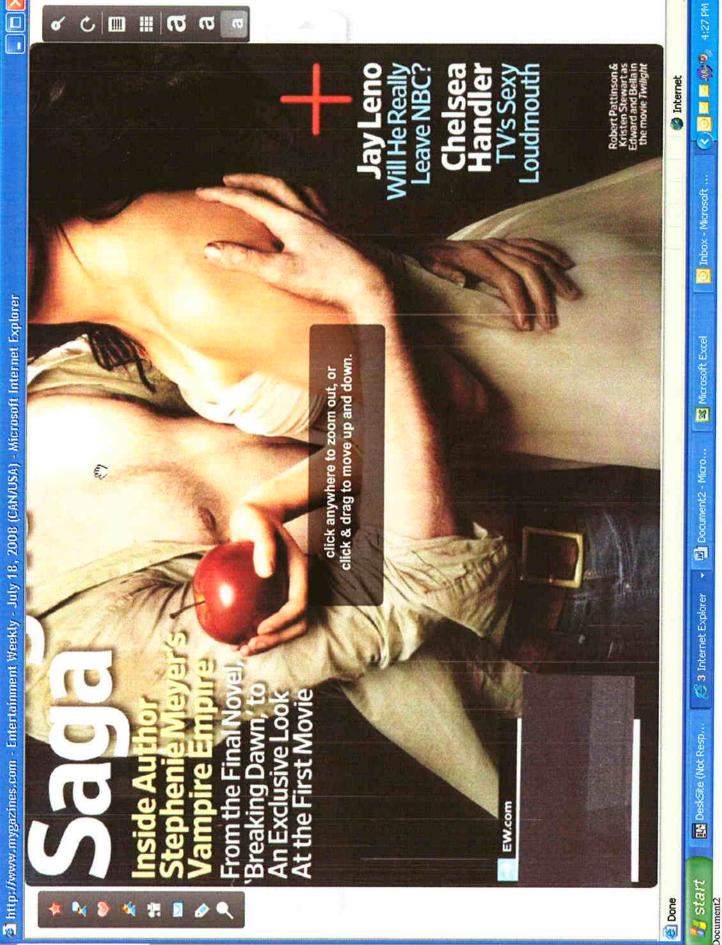
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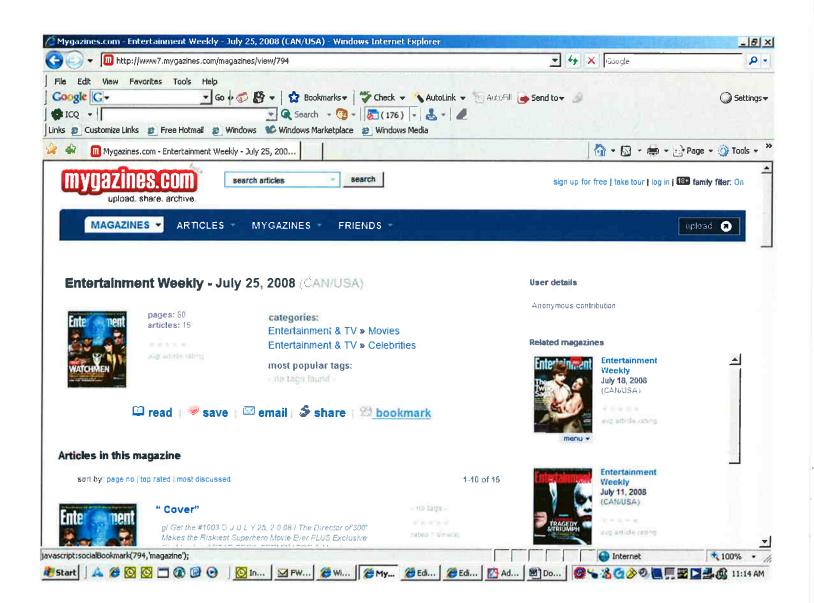


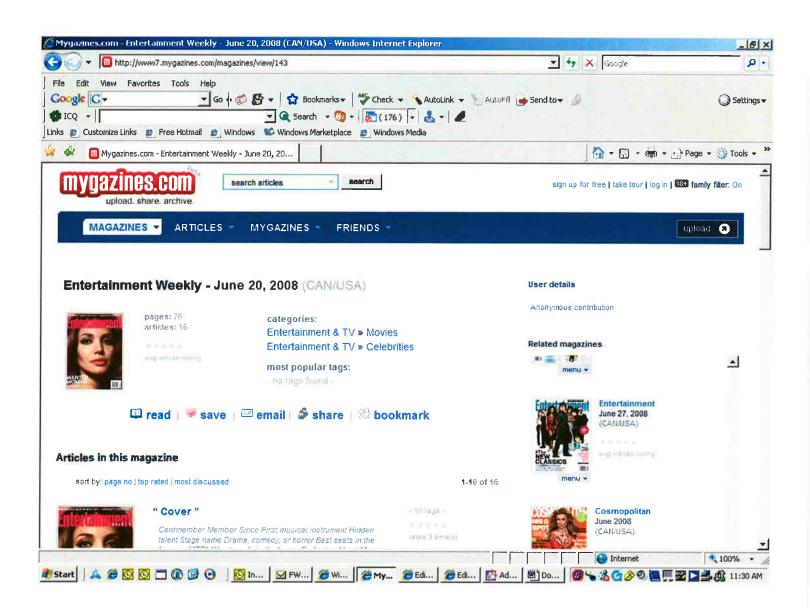


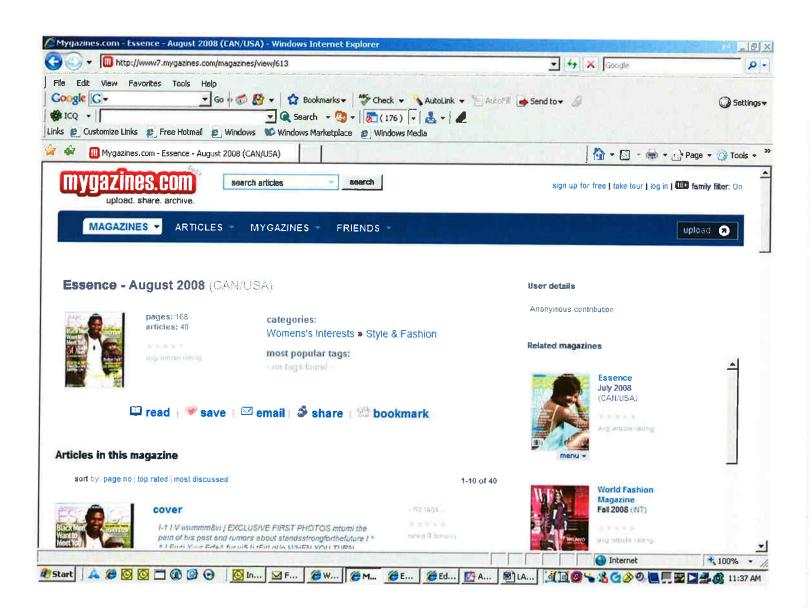


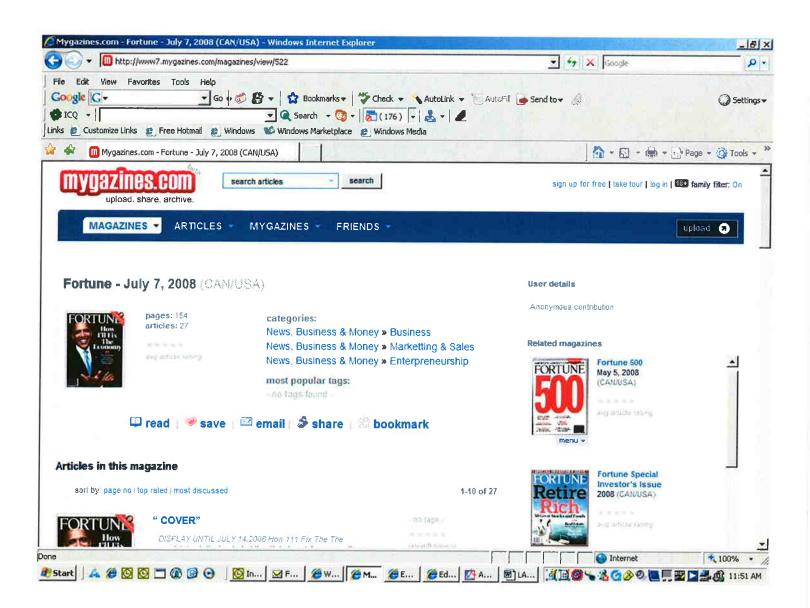


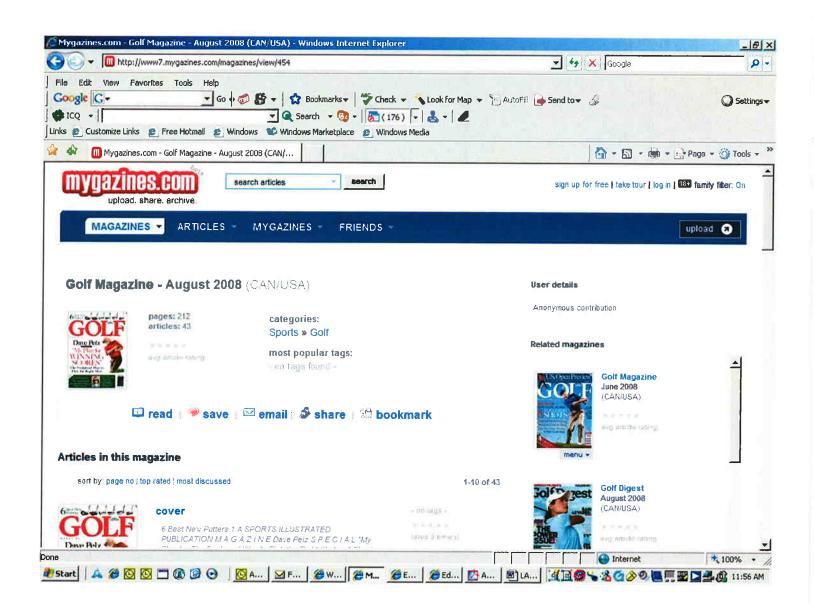
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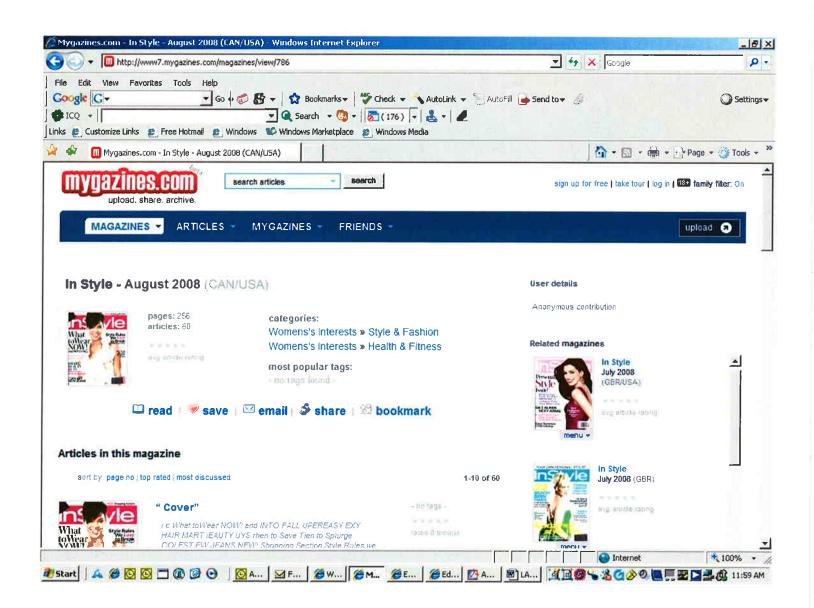


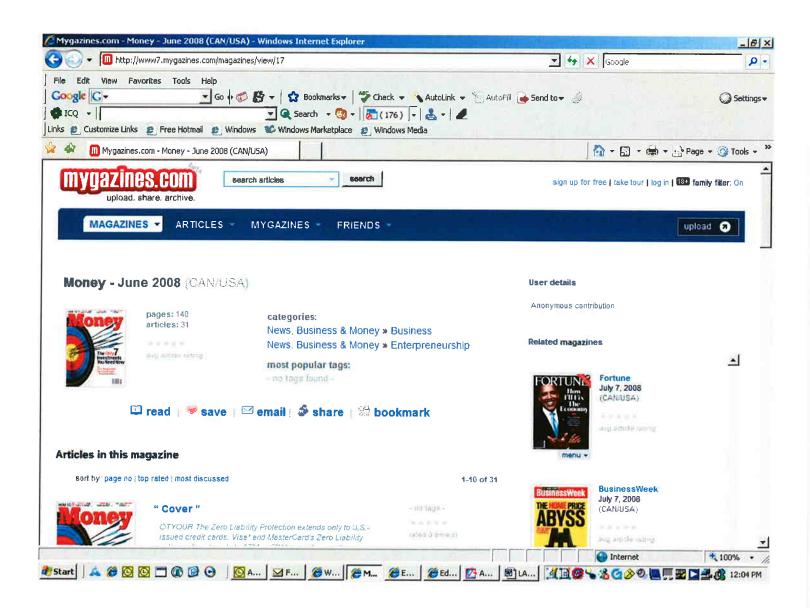


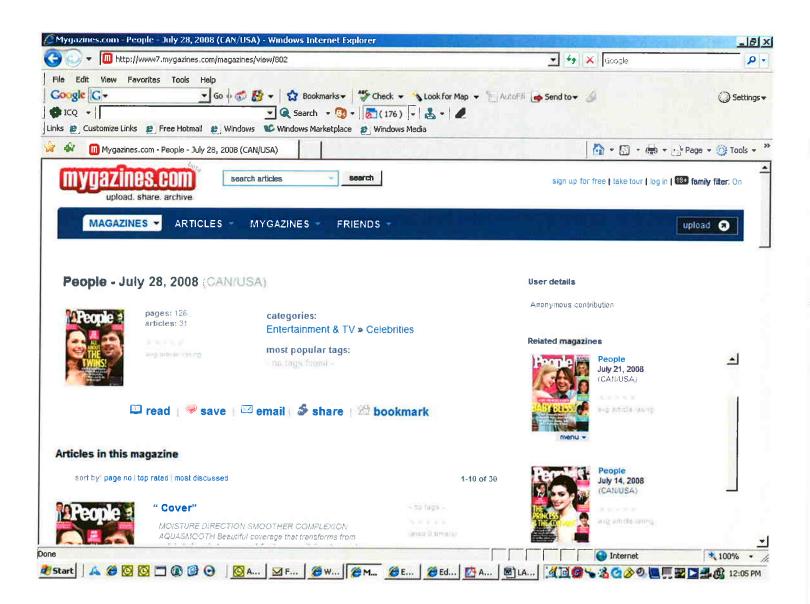


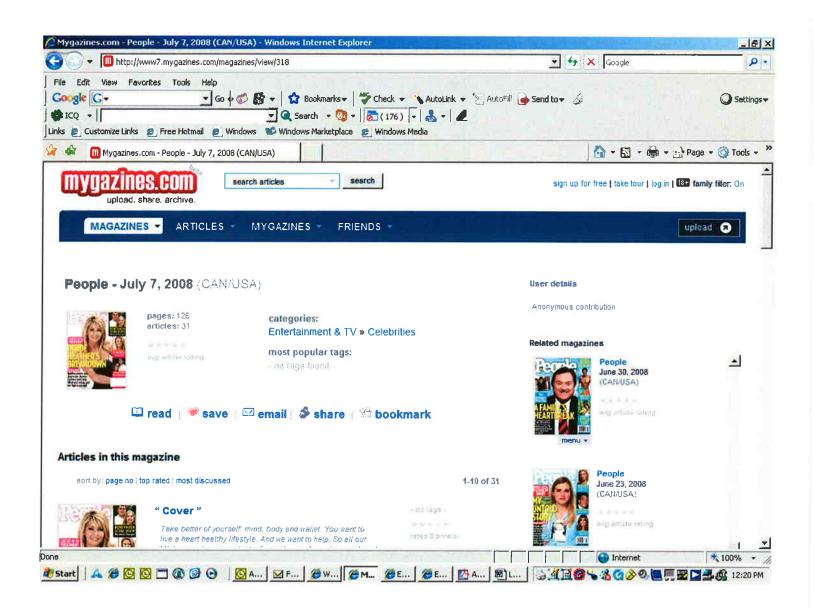


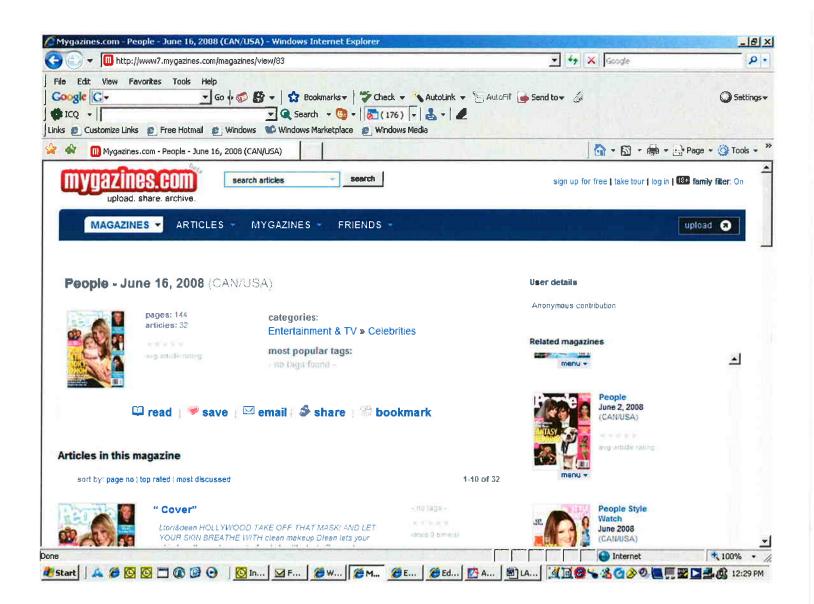


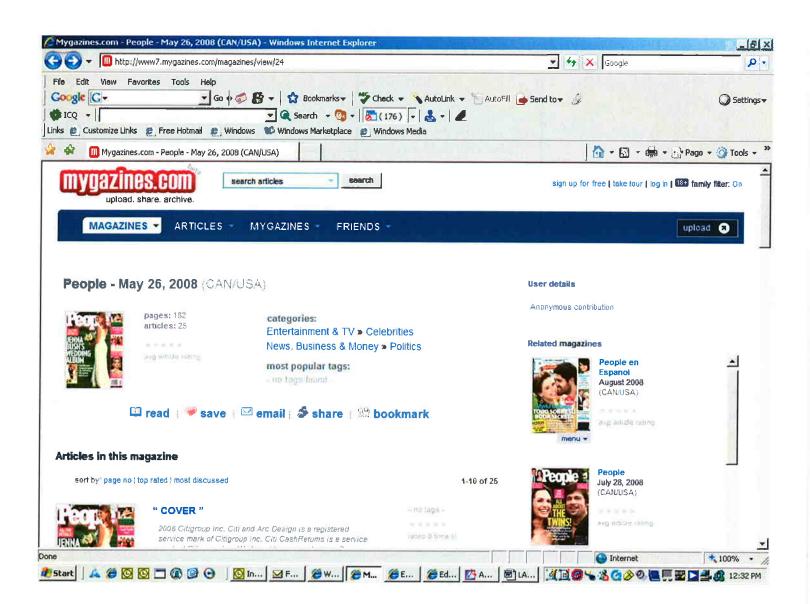


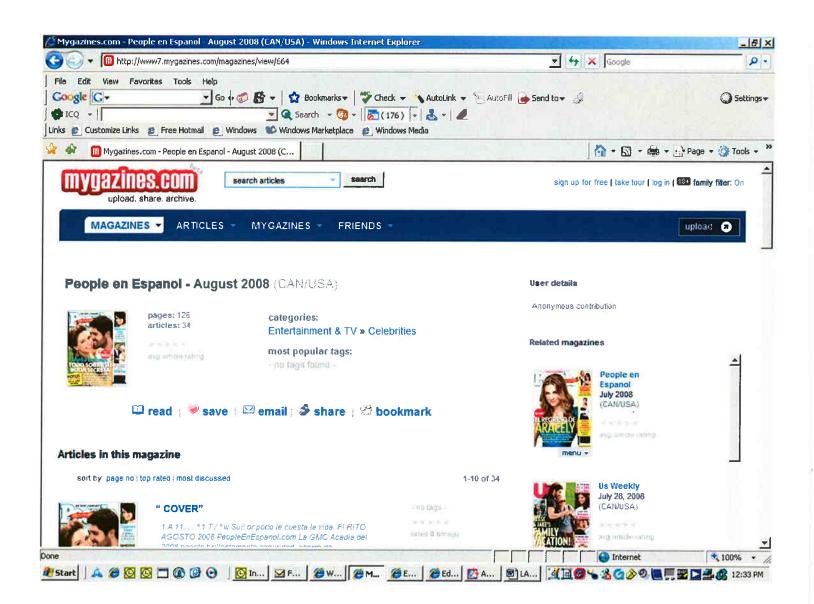


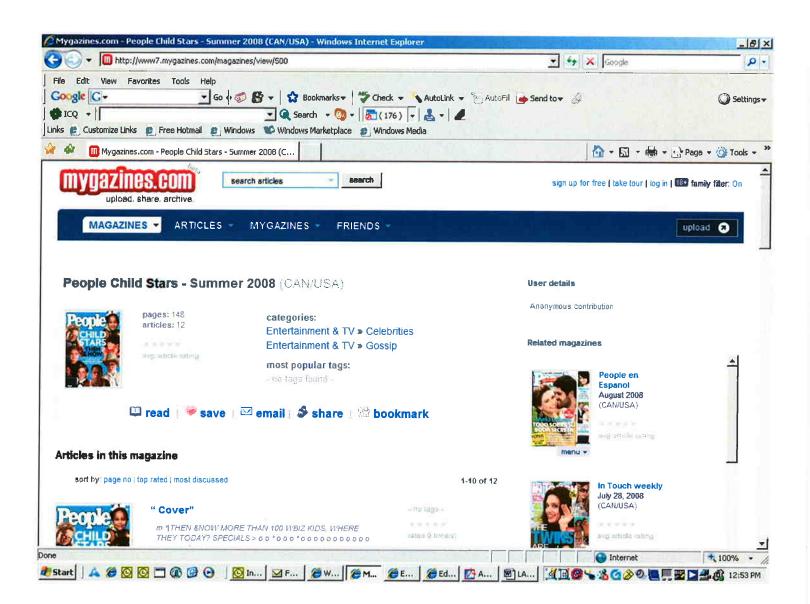


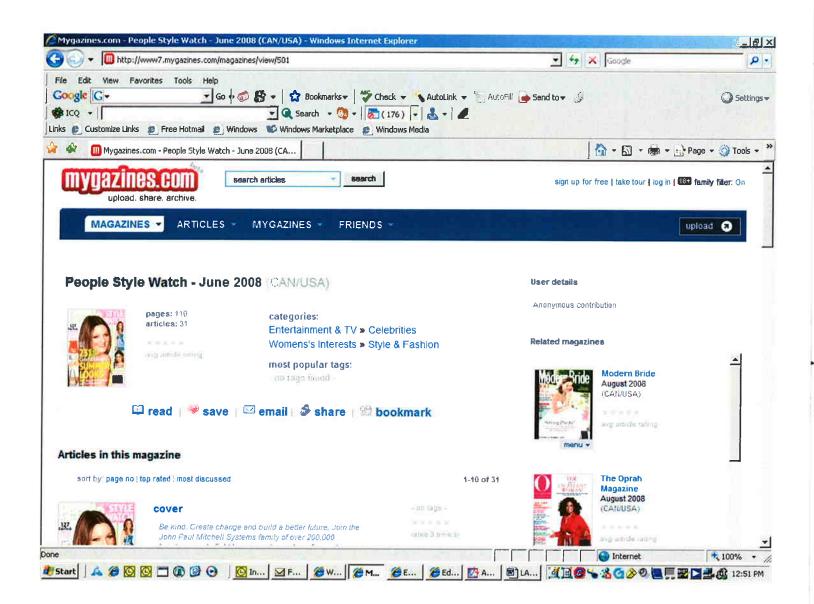


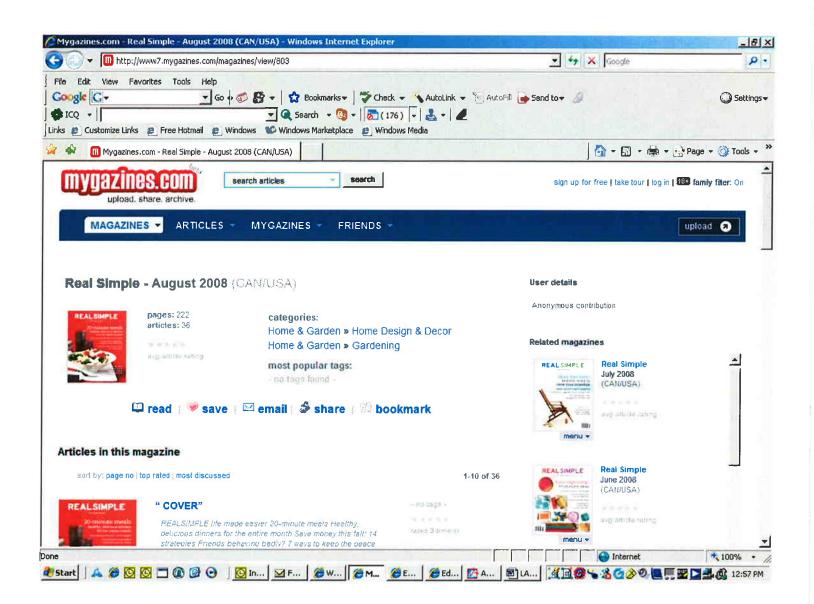


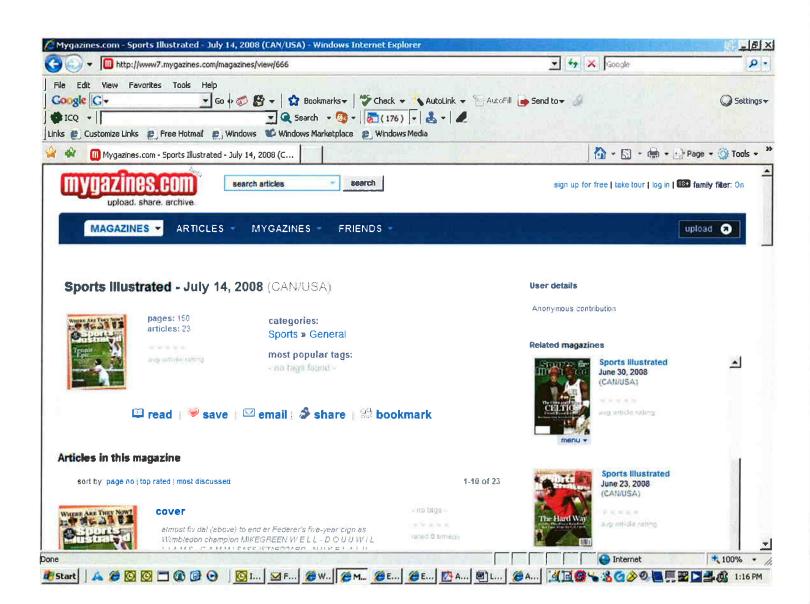


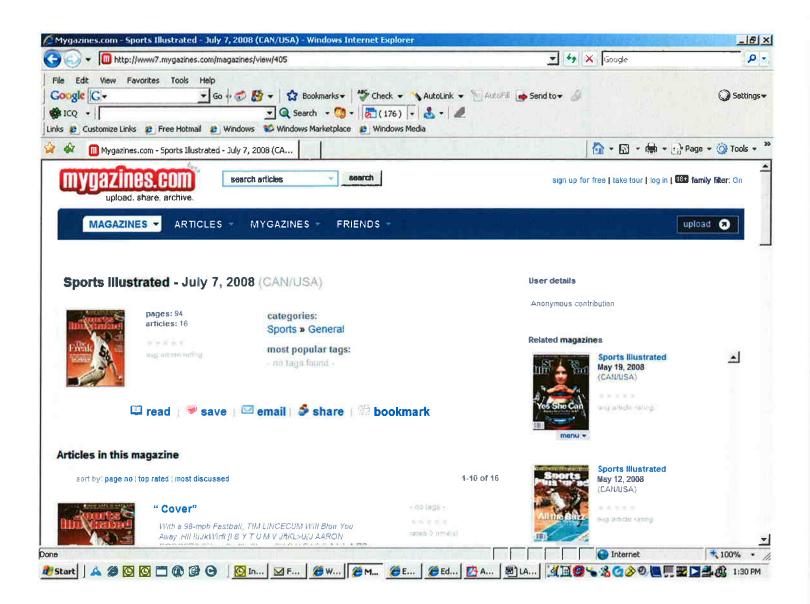


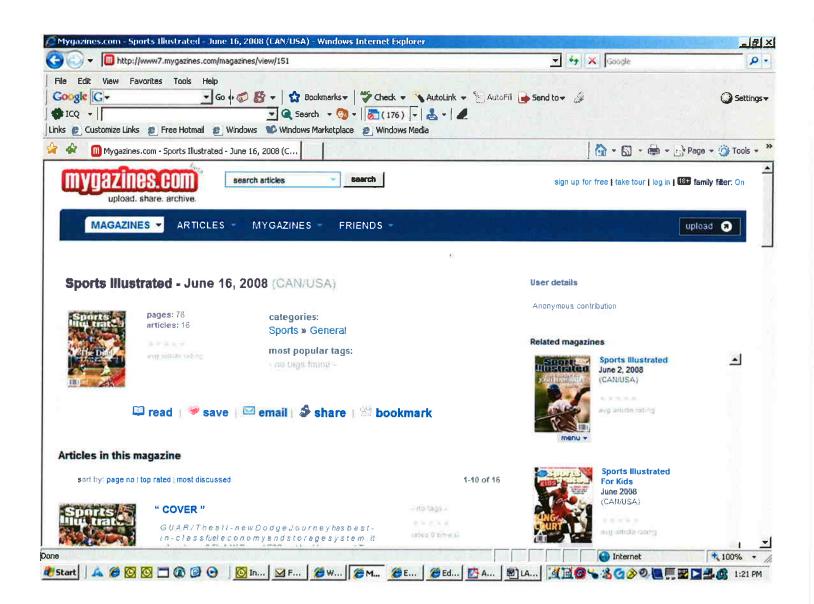


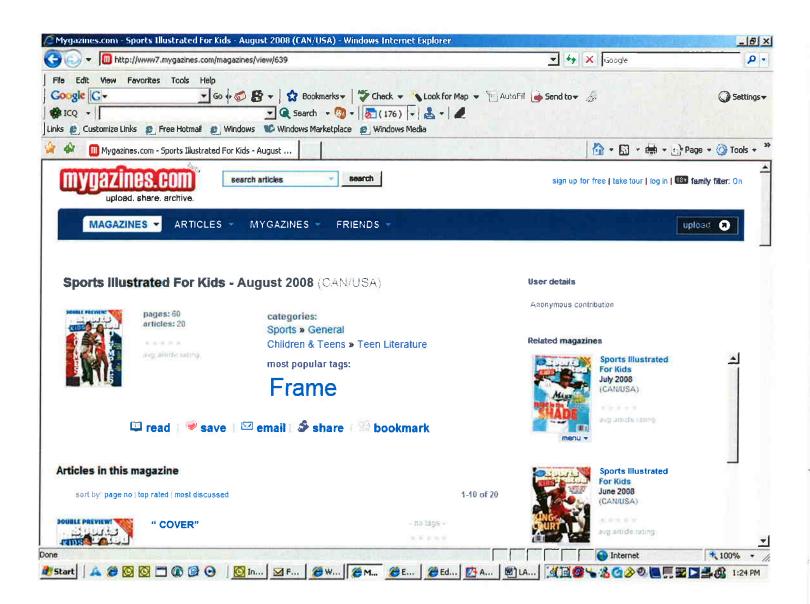


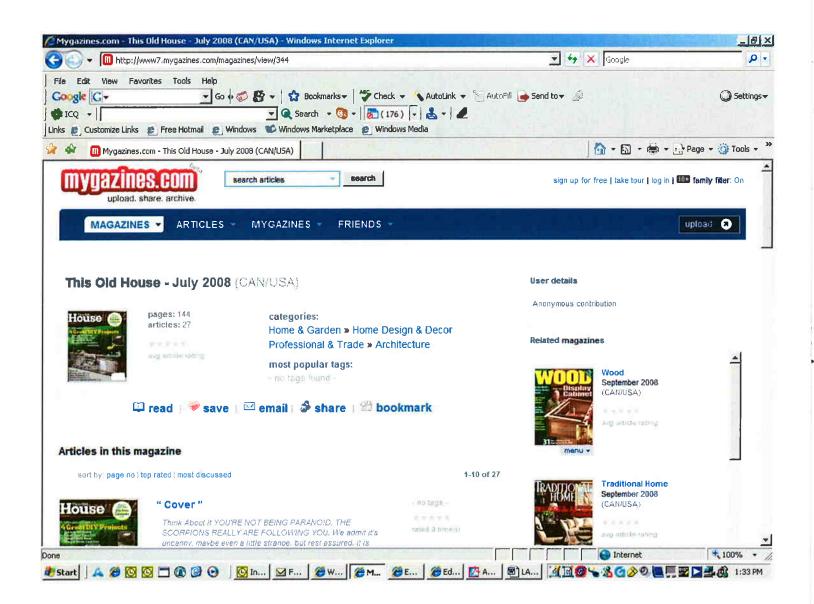


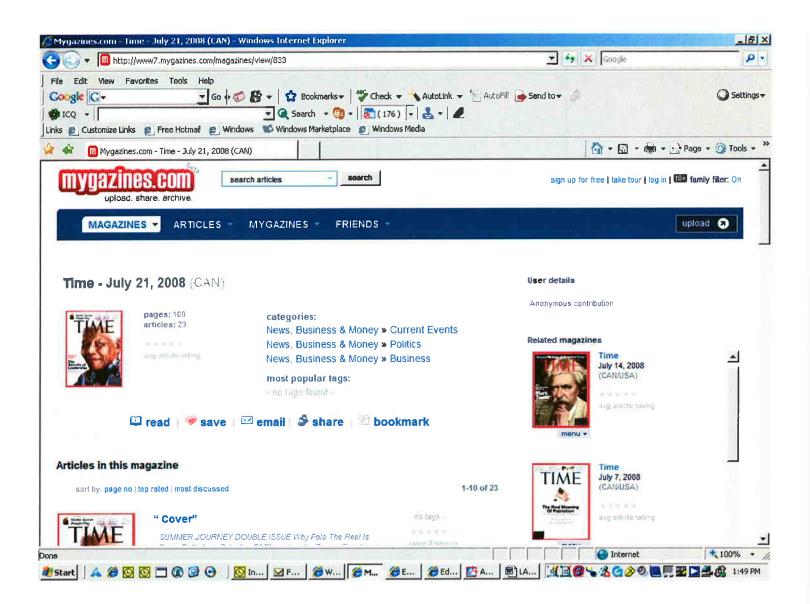


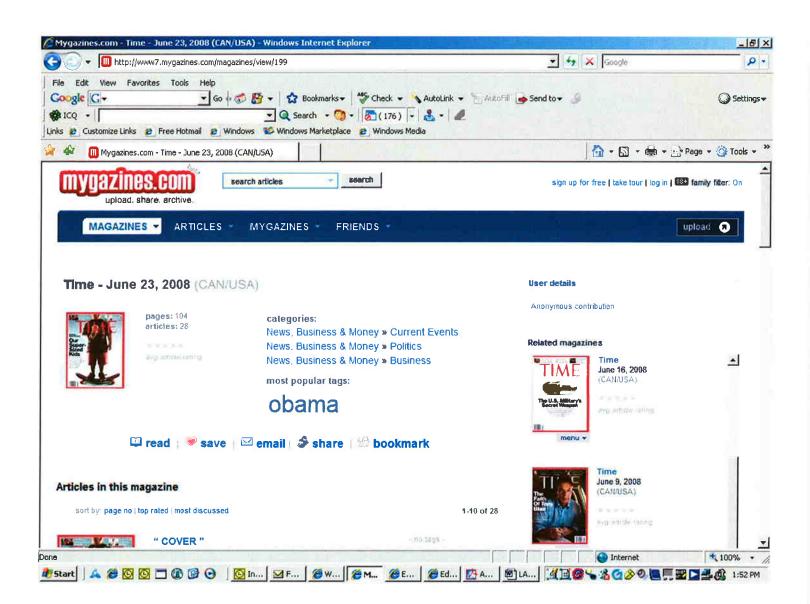


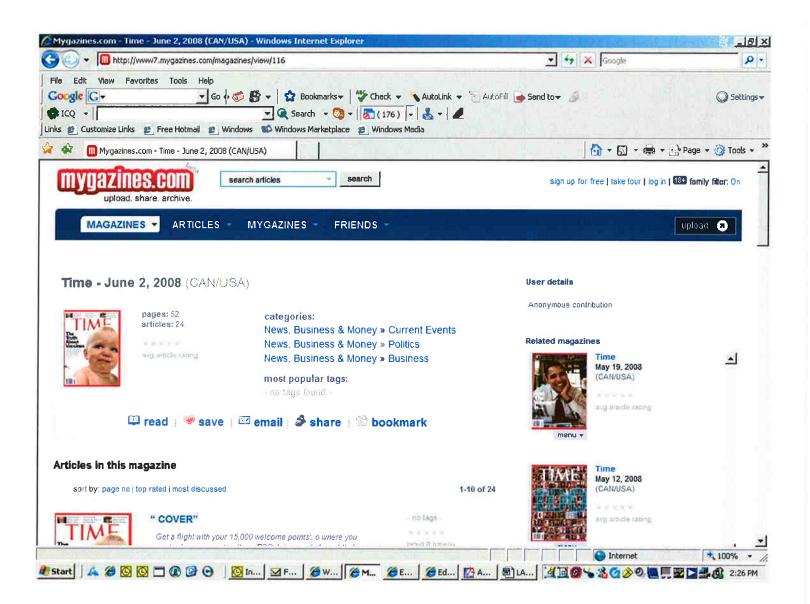


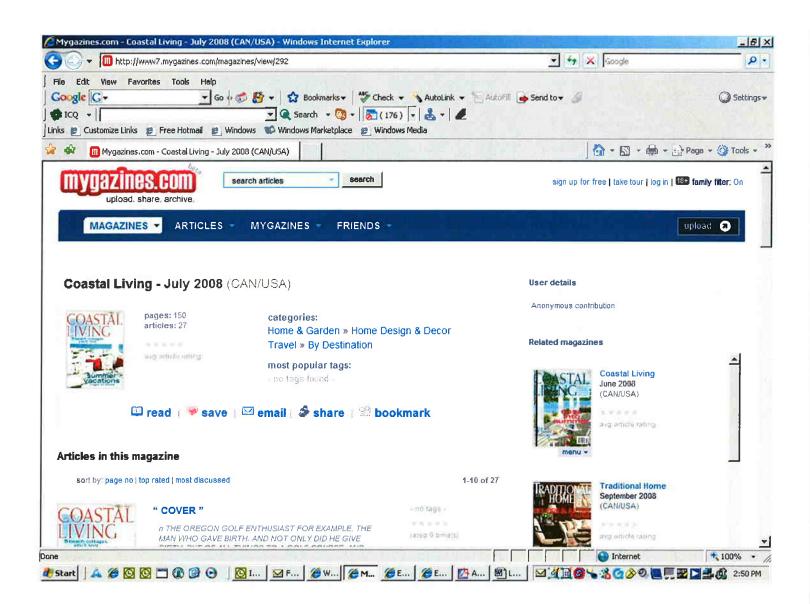


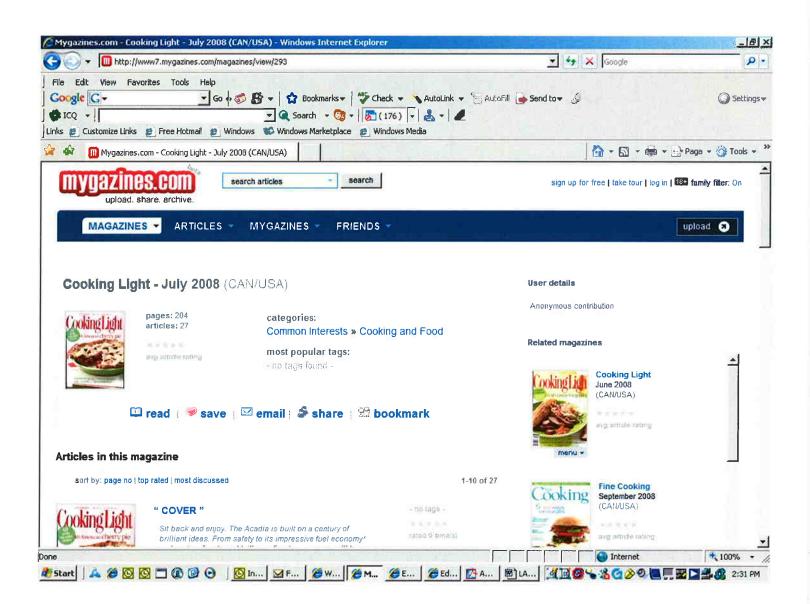


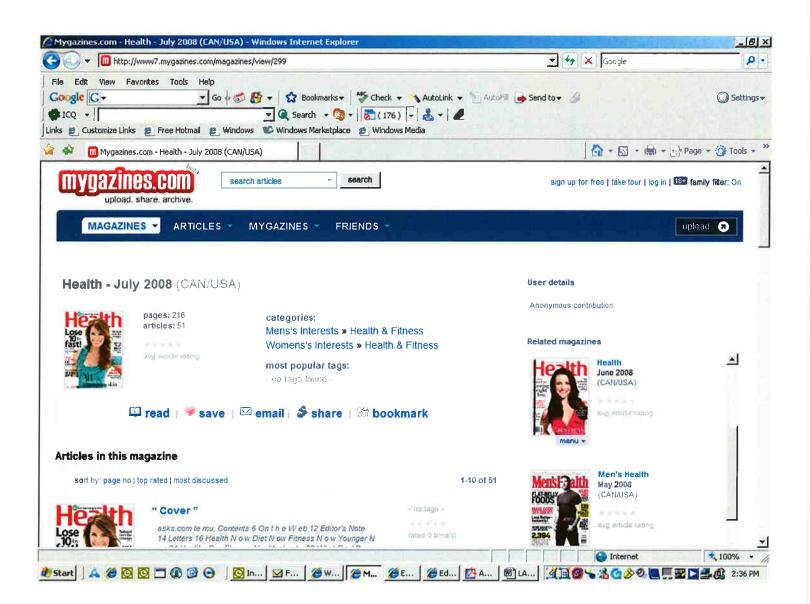


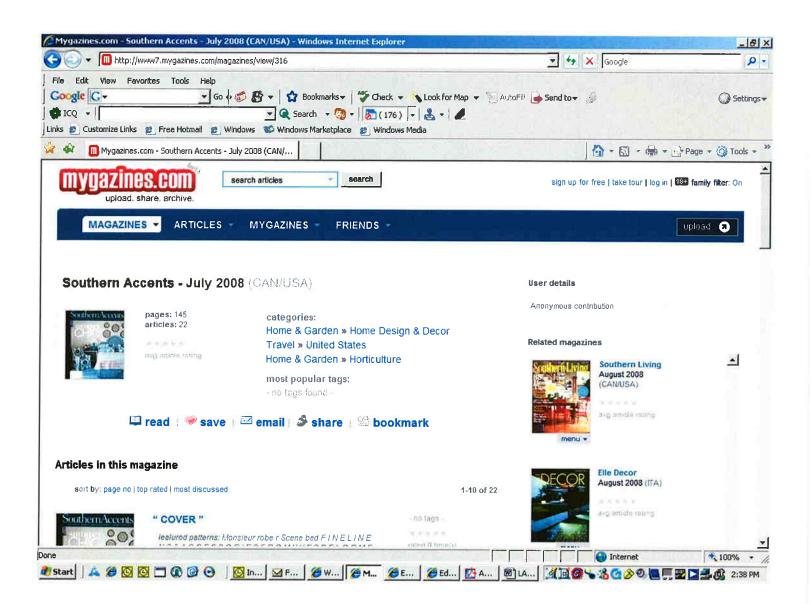


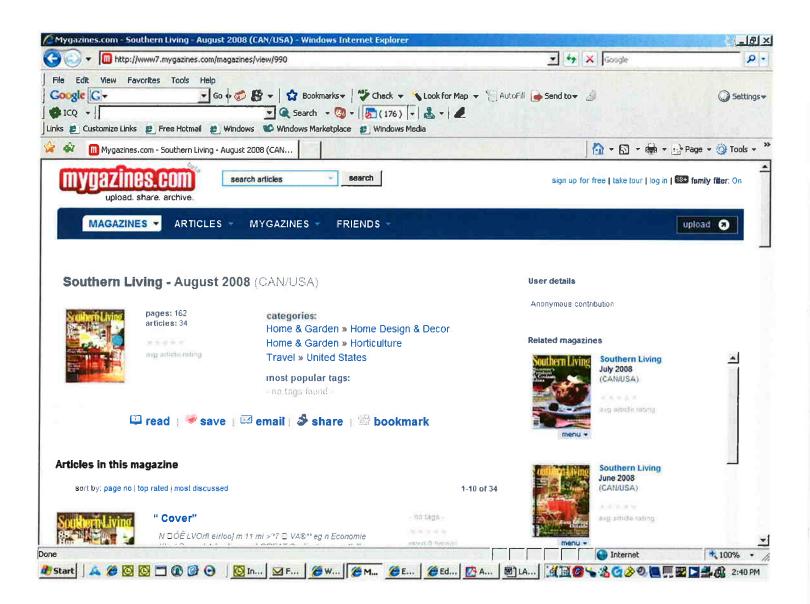












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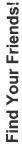
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Aug 4, 2008 ... POLITICAL HOT TOPICS: Monday, August 4, 2008 ... At times this spring, it appeared that Senator Barack Obama's fight with Senator Hillary ... politicalticker.blogs.cnn.com/2008/08/04/political-hot-topics-monday-august-4-2008/ - 74k -Cached - Similar pages

Today on Doing Time - Monday August 4th 2008 | Air America Radio

Aug 4, 2008 ... This time around the Republican is a flip-flopper of epic proportion so maybe Obama is free to ... By cassandralikeAugust 4, 2008 - 3:44pm ... airamerica.com/doingtime/blog/2008/aug/04/today-doing-time-monday-august-4th-2008 -78k - Cached - Similar pages

Lectionary for 10 August 2008

Sunday, 10 August 2008 ... Ninteenth Sunday in Ordinary Time Lectionary:. Genesis 37:1-4, 12-28 ... 4After a time the Ammonites made war against Israel. ... www.pcusa.org/cgi-bin/lectiond.cgi - 25k - Cached - Similar pages

Tech News: Check out TIME for August 4,2008 - alt.cellular.attws ...

TIME August 4,2008. Can the iPhone Rule Gaming? http://www.time.

com/time/business/article/0 ... Subject: Re: Tech News: Check out TIME for August 4,2008 ...

groups.google.com/group/alt.cellular.attws/browse\_thread/thread/9b374c9a4fd8fb1a - 46k -Cached - Similar pages

[PDF] CALENDAR OF EVENTS FOR AUGUST 2008 DATE MEETING LOCATION TIME ...

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August 4. Franklin County Board of. Commissioners Regular Meeting ... www.co.franklin.nc.us/Commissioners/calendar.pdf - Similar pages

Big Donors, Too, Have Seats at Obama Fund-Raising Table - NYTimes.com

Obama, in New Stand, Proposes Use of Oil Reserve (August 5, 2008) ... 2008); THE CAUCUS; McCain Takes a Page From Clinton's Playbook (August 4, 2008) ...

www.nytimes.com/2008/08/06/us/politics/06bundlers.html - Similar pages

Housing Lenders Fear Bigger Wave of Loan Defaults - NYTimes.com

Published: August 4, 2008. The first wave of Americans to default on their home mortgages appears ... Need to know more? 50% off home delivery of The Times. ...

www.nytimes.com/2008/08/04/business/04lend.html - Similar pages

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Diary of A Man Out of Time - August 4th, 2008

Aug 4, 2008 ... Diary of A Man Out of **Time**. (You Shoulda Been There!) ... 4th, **2008** at 6:11 AM. If you know what movie this screen capture is from, please ... amanoutoftime.livejournal.com/**2008**/08/04/ - 42k - <u>Cached</u> - <u>Sìmìlar pages</u>

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Usher & Usher IV Essence August 2008 Cover Photo

Jul 7, 2008 ... Usher And Son Essence Magazine August 2008 Cover Photo - Usher Raymond and his baby boy Usher IV grace the cover of the August 2008 issue of ... www.mwza.com/usher-usher-iv-essence-august-2008-cover-photo/ - 66k -Cached - Similar pages

August 2008 Extended Best Sellers List: Essence.com

ESSENCE . BEST SELLING BOOKS. August 2008 Extended Best Sellers List. FICTION Hardcover 1. Waking With Enemies by Eric Jerome Dickey (Dutton, \$24.95) (4) ... www.essence.com/essence/books/0,16109,1820843,00.html - 29k - Cached - Similar pages

Inside This Issue: August 2008 : Essence.com

Inside This Issue: August 2008. ... Essence is a wonderful magazine. I never miss getting an issue. But I wanna know if the article concerning the men of ... www.essence.com/essence/inside/ - 31k - Cached - Similar pages More results from www.essence.com »

August 2008 Essence Magazine Usher Son Pictures | dailystab.com

Jul 10, 2008 ... Usher and his son Usher Raymond V take on the cover of August's Essence Magazine in the first pictures we've seen of the little guy since ... www.dailystab.com/usher-and-son-on-essence-magazine-cover/ - 23k -Cached - Similar pages

Usher And Son Essence Magazine August 2008 Cover Photo | Hip-Hop ... Jul 7, 2008 ... Here's a sneak peek at Usher Raymond and his infant son with wife Tameka

Foster, Usher IV, on the August 2008 cover of Essence Magazine. hiphop popcrunch.com/usher-and-son-essence-magazine-august-2008-cover-photo/ - 85k -Cached - Similar pages

CRAZY...COOL...GROOVY !!!: USHER IV and USHER V Cover ESSENCE ...

USHER IV and USHER V Cover ESSENCE August 2008!!! Look at li'l USHER RAYMOND V; and his daddy, USHER RAYMOND IV; together on the August 2008 cover of ... ccgroovy.blogspot.com/2008/07/usher-iv-and-usher-v-cover-essence.html - 104k -Cached - Similar pages

Usher And Son Essence Magazine August 2008 Cover Photo

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<u>Usher Covers August 2008 Essence | Backseat Cuddler</u>

R&B hottie Usher introduces us to his baby son Usher V on the cover of the August edition of Essence. He talks about how he hopes his son will look up. backseatcuddler.com/2008/07/08/usher-covers-august-2008-essence/ - 32k -Cached - Similar pages

Omaha Public Library Catalog

Sorry, could not find anything matching. Bestsellers **Essence August 2008** Nonfiction hardcover. Warning:. Check your spelling. Email webdesk@omaha.lib.ne.us ... catalog.omahapubliclibrary.org/ipac20/ipac.jsp? session=12181OL39D350.534690&profile=web&uri=link=... - 37k - <u>Cached</u> - <u>Similar pages</u>

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essence August 2008

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### **EXHIBIT 8**



### mygazines.com is

### Reserved

Registrar: GANDI SAS

Status:

clientTransferProhibited

Domain options / additional information: (Click below to expand)

- + if you own this domain...
- + if you are trying to register/buy this domain...
- + if you are researching this domain...

[Querying whois.verisign-grs.com]

[whois.verisign-grs.com]Whois Server Version 2.0Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to http://www.internic.net

for detailed information. Domain Name: MYGAZINES.COM

Registrar: GANDI SAS

Whois Server: whois.gandi.net Referral URL: http://www.gandi.net Name Server: NS1.P17.DYNECT.NET Name Server: NS2.P17.DYNECT.NET Name Server: NS3.P17.DYNECT.NET Name Server: NS4.P17.DYNECT.NET Status: clientTransferProhibited Updated Date: 16-jul-2008 Creation Date: 14-oct-2006

Expiration Date: 14-oct-2013NOTICE: The expiration date displayed in this record is the date the

registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

Sponsored Link:

Need help building your site? Certified Webmaster Directory Questions? Free phone/email consultations - 7 Days a week, 8AM - Midnight

[Querying whois.gandi.net]

[whois.gandi.net]

--- #YAML:1.0

# GANDI Registrar whois database for .COM, .NET, .ORG., .INFO, .BIZ, .NAME

# Access and use restricted pursuant to French law on personal data.

- # Copy of whole or part of the data without permission from GANDI
- # is strictly forbidden.
- # The sole owner of a domain is the entity described in the relevant
- # 'domain:' record.
- # Domain ownership disputes should be settled using ICANN's Uniform Dispute
- # Resolution Policy: http://www.icann.org/udrp/udrp.htm
- # For inquiries about 'by policy' protection, please check directly
- # with the appropriate registry (Eurid, AFNIC)

- # Acces et utilisation soumis a la legislation française sur
- # les donnees personnelles.
- # Copie de tout ou partie de la base interdite sans autorisation de GANDI.

Home page Link-to-Us Contact Us

### Featured Registrar

Register a domain name with Register.com for only \$20. Includes:

- Free starter web site
- Free web forwarding
- Free e-mail forwarding
- Free domain locking
- Name portfolio manager
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Click here for discounted rate.

### **Domain Registrars**

**AWRegistry** 

BB Online UK Ltd.

Bizcn.com, Inc.

BookMyName SAS BulkRegister.com, Inc.

Capital Networks Pty.

Ltd.

Catalog.com, Inc.

China-channel.com

CommuniGal Comm.

Computer Data

<u>Networks</u>

CORE

Corporate Domains

Cronon AG

Cyberegistro.com

Cypack.com

Deutsche Telekom, AG 🗽

```
# Le possesseur d'un domaine est l'entite decrite dans
# l'enregistrement 'domain:' correspondant.
# Un desaccord sur la possession d'un nom de domaine peut etre resolu
# en suivant la Uniform Dispute Resolution Policy de l'ICANN:
# http://www.icann.org/udrp/udrp.htm
# Pour obtenir les informations en status 'Protected by policy', contactez
# directement le registre concerne (Eurid, AFNIC)
# 2008-07-22 18:29:44 CEST
domain: mygazines.com
reg_created: 2006-10-14 07:20:04
expires: 2013-10-14 07:20:04
created: 2008-06-17 05:55:49
changed: 2008-07-16 20:36:48
transfer-prohibited: yes
ns0: ns1.p17.dynect.net
ns1: ns2.p17.dynect.net
ns2: ns3.p17.dynect.net
ns3: ns4.p17.dynect.net
owner-c:
 nic-hdl: JS3604-GANDI
 owner-name: Salveo Limited
 organisation: Salveo Limited
 person: John Smith
 address: Mitchell House
 zipcode: P.O. Box 17
 city: The Valley
 country: Anguilla
 phone: +40.312249340
 fax: "
 email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net
 lastupdated: 2008-07-12 16:13:41
admin-c:
 nic-hdl: JS3604-GANDI
 owner-name: Salveo Limited
 organisation: Salveo Limited
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person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

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www.	Search	
Searches shared database registry and queries appropriate registrar.		

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## Davis Wright Tremaine LLP

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LANCE KOONCE DIRECT (212) 603-6467 lancekoonce@dwt.com

1633 BROADWAY

NEW YORK, NY 10019-6708

TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

July 23, 2008

### BY EMAIL AND INTERNATIONAL MAIL

Salveo Limited Attn: John Smith Mitchell House P.O. Box 17

The Valley, Anguilla

Email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

abuse@mygazines.com feedback@mygazines.com

Re: Copyright Infringement by Mygazines.com

Dear Mr. Smith:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to the Mygazines.com web site located at www.mygazines.com (the "Infringing Website"). It has come to our client's attention that you are distributing and displaying unauthorized copies of a number of its magazines (the "Time Works") on the Infringing Website, in clear violation of the U.S. Copyright Act and other applicable laws. In light of your infringement of Time's copyright in those works, we demand that you immediately stop providing those and any other Time Works to the public, in any form, as more specifically set forth below.

In particular, we note that the Infringing Website currently makes available to users full reproductions of the following magazines: Time, Entertainment Weekly, Essence, Fortune 500, Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old

For the purposes of this letter, all references to "Time Works" or "magazines" include the entirety of each magazine, as well as all individual articles, photographs and other content contained within each magazine.

Salveo Limited Attn: John Smith July 23, 2008 Page -2-



House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter, Golf Monthly, Homes & Gardens, In Style (UK), and Marie Claire (UK). In many cases, issues of each magazine for different weeks or months are available. For example, for People, all four weekly issues from June and July 2008 are posted on the Infringing Website, as well as one weekly issue from May 2008.

The Time Works that you are displaying are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Time's magazines may only be published, reproduced, distributed and displayed by Time, or pursuant to Time's permission, and only Time may authorize the creation of derivative works based on its copyrighted content in those magazines. Your use of the Time Works in connection with the Infringing Website constitutes a blatant violation of the copyright laws.

Given the rapidity with which they appeared and the uniformity of quality of the scanned images on the Infringing Website, it appears that many (if not all) of the magazines you are displaying on your Website were uploaded by employees or affiliates of Mygazines.com itself, rather than by third party users. It also does not appear that at present the Infringing Website even permits uploading of files by the general public. The fact that Mygazines.com appears to provide only one scanned version of particular issues of magazines also suggests that Mygazines.com is directly responsible for the content on the Infringing Website. As such, Mygazines.com is a direct infringer under copyright law.

Even assuming some of the magazines on your Website are posted by third-party users.<sup>2</sup> Mygazines.com would also appear to be secondarily liable for the infringing content, for at least the following reasons. First, unlike some websites that allow the uploading of a variety of content from users, the Infringing Website apparently seeks uploads only of magazine content copyrighted and published by parties other than those users, i.e., the publishers of the magazines. In other words, the Infringing Website appears to contain virtually no content that might conceivably be non-infringing, but rather its entire purpose appears to be the posting of copyrighted magazine content.

Second, Mygazines.com clearly contributes to any direct infringement by third party users by actively inducing and encouraging its users to upload copyrighted content to the Infringing Website, to "share" that content with others, and to create derivative "mygazines" combining content from multiple publishers. See Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., 545 U.S. 913 (2005); see also Perfect 10, Inc. v. Amazon.com, Inc. et al., 487 F.3d 701 (9th Cir 2007). Other than a single boilerplate sentence in the Terms of Use regarding content that is "infringing, libelous, defamatory, obscene, pornographic, abusive, offensive, profane, or otherwise violates any law or right of any third party", nowhere on the Infringing

<sup>&</sup>lt;sup>2</sup> In the event that any magazines have been uploaded by third-party users, and although the Infringing Website does not list an agent for the service of DMCA notices, we have separately forwarded a take-down notice pursuant to Section 512(c) of the Digital Millennium Copyright Act that lists each of the above Time Works and identifies the specific issues that appear on the Infringing Website; a copy of that notice is attached to this letter.

Salveo Limited Attn: John Smith July 23, 2008 Page -3-



Website is there any indication that users should not post copyrighted magazine content. Indeed, to the contrary, as noted above, the *only* purpose of the site appears to be inducing and encouraging the sharing of infringing content. For the same reason, there can be no argument here that Mygazines.com is not aware of specific infringing content on the Infringing Website.

Finally, we note that the use of our client's magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of our client's rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of our client that, no later than the close of business July 25, 2008, you (1) remove any electronic or otherwise unauthorized copies of the Time Works identified above from the Infringing Website and all websites on which you may have posted such copies; (2) delete all electronic copies of the Time Works identified above in your possession or under your control, including but not limited to any electronic copies located on any server or storage device within your possession or control; (3) refrain from any further reproduction, posting, display or distribution of any electronic copies of the Time Works identified above, and of any other magazines published by Time Inc. or IPC Media; and (4) certify in writing to the undersigned that you have complied with the above demands.

The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lance Koonce

LHK/lp Enclosures

LAWYERS



### Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

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July 23, 2008

#### BY EMAIL

Salveo Limited Attn: John Smith Mitchell House P.O. Box 17

The Valley, Anguilla

Email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

abuse@mygazines.com feedback@mygazines.com

> Re: Notice of Infringement Pursuant to The Digital Millenium Copyright Act

#### To Whom It May Concern:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to the Mygazines.com web site located at www.mygazines.com (the "Site"). Time is the owner of numerous rights in connection with the publication, distribution, advertising, promotion and sale of its publications, including but not limited to Time, Entertainment Weekly, Essence, Fortune, Fortune 500, Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter, Golf Monthly, Homes & Gardens, All You, Time For Kids, Cottage Living, Sunset, In Style (UK), and Marie Claire (UK) (hereinafter, the "Copyrighted Works").

It has come to our attention that there are at least seventy (70) separate files currently available on the Site that constitute unauthorized electronic versions of certain issues of the Copyrighted Works. These files - and the individual articles, photographs and other material contained therein - are available for users to view, share and compile for free and without restriction. The reproduction, display, and distribution of these works constitutes infringement of valuable copyright interests belonging to Time. Attached is a list of the infringing postings, including the URL address for each infringing file.

This letter constitutes our clients' notice, as required under 17 U.S.C. § 512(c)(3)(A), that Time has a good faith belief that the reproduction, display, and distribution of these works on the above-referenced Site is not authorized by Time and infringes Time's intellectual property rights in these works. The Copyright Act requires you to remove or disable access to the infringing material or otherwise respond to this notice promptly. If you fail to do so, you may be liable for damages and injunctive relief.

I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of Time, owner of the rights infringed by the abovereferenced postings.

You may contact us at the address, email address and telephone number listed above.

Thank you for your immediate attention to this matter. The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lance Koonce

LHK/lp

	Publication Name	Date	URL
	Entertainment Weekly	July 25, 2008	http://www7.mygazines.com/magazines/view/794
	Entertainment Weekly	July 18, 2008	http://www7.mygazines.com/magazines/view/690
	Entertainment Weekly	July 11, 2008	http://www7.mygazines.com/magazines/view/415
	Entertainment Weekly	June 20, 2008	· · · · · · · · · · · · · · · · · · ·
	Entertainment Weekly	June 27, 2008	
	Essence	August 2008	http://www7.mygazines.com/magazines/view/613
	Essence	July 2008	http://www7.mygazines.com/magazines/view/155
	Fortune 500	May 5, 2008	http://www7.mygazines.com/magazines/view/497
	Fortune Special Investors Issue	2008	http://www7.mygazines.com/magazines/view/273
	Fortune	July 7, 2008	http://www7.mygazines.com/magazines/view/522
	Golf	August 2008	http://www7.mygazines.com/magazines/view/454
	Golf	June 2008	http://www7.mygazines.com/magazines/view/13
	In Style	August 2008	http://www7.mygazines.com/magazines/view/786
	In Style	July 2008	http://www7.mygazines.com/magazines/view/313
	Money	June 2008	http://www7.mygazines.com/magazines/view/17
	People	July 28, 2008	http://www7.mygazines.com/magazines/view/802
	People	July 21, 2008	http://www7.mygazines.com/magazines/view/706
	People	July 14, 2008	http://www7.mygazines.com/magazines/view/439
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	People en Espanol	August 2008	http://www7.mygazines.com/magazines/view/664
	People en Espanol	July 2008	http://www7.mygazines.com/magazines/view/557
	People Child Stars	Summer 2008	http://www7.mygazines.com/magazines/view/500
	People Style Watch	June 2008	http://www7.mygazines.com/magazines/view/501
	Real Simple	August 2008	http://www7.mygazines.com/magazines/view/803
	Real Simple	July 2008	http://www7.mygazines.com/magazines/view/157
	Real Simple	June 2008	http://www7.mygazines.com/magazines/view/27
į	Sports Illustrated	July 14, 2008	http://www7.mygazines.com/magazines/view/666
	Sports Illustrated	July 7, 2008	http://www7.mygazines.com/magazines/view/405
;	Sports Illustrated	June 30, 2008	http://www7.mygazines.com/magazines/view/370
- 5	Sports Illustrated	June 23, 2008	http://www7.mygazines.com/magazines/view/198
;	Sports Illustrated	June 16, 2008	http://www7.mygazines.com/magazines/view/151
;	Sports Illustrated	June 2, 2008	http://www7.mygazines.com/magazines/view/90
;	Sports Illustrated	May 19, 2008	http://www7.mygazines.com/magazines/view/93
;	Sports Illustrated	May 12, 2008	http://www7.mygazines.com/magazines/view/91
;	Sports Illustrated For Kids	August 2008	http://www7.mygazines.com/magazines/view/639
,	Sports Illustrated For Kids	July 2008	http://www7.mygazines.com/magazines/view/349
	Sports Illustrated For Kids	June 2008	http://www7.mygazines.com/magazines/view/92
-	This Old House	July 2008	http://www7.mygazines.com/magazines/view/344
-	Γime	July 21, 2008	http://www7.mygazines.com/magazines/view/833
-	Гime	July 14, 2008	http://www7.mygazines.com/magazines/view/464
-	l'ime	July 7, 2008	http://www7.mygazines.com/magazines/view/406
	Гime	June 23, 2008	http://www7.mygazines.com/magazines/view/199
	l'ime	June 16, 2008	http://www7.mygazines.com/magazines/view/152
	lime	June 9, 2008	http://www7.mygazines.com/magazines/view/117
	lime		http://www7.mygazines.com/magazines/view/116
1	Time	May 19, 2008	http://www7.mygazines.com/magazines/view/118

Time	May 12, 2008	http://www7.mygazines.com/magazines/view/97
Coastal Living	July 2008	http://www7.mygazines.com/magazines/view/292
Coastal Living	June 2008	http://www7.mygazines.com/magazines/view/51
Cooking Light	July 2008	http://www7.mygazines.com/magazines/view/293
Cooking Light	June 2008	http://www7.mygazines.com/magazines/view/56
Health	July 2008	http://www7.mygazines.com/magazines/view/299
Health	June 2008	http://www7.mygazines.com/magazines/view/14
Southern Accents	July 2008	http://www7.mygazines.com/magazines/view/316
Southern Living	July 2008	http://www7.mygazines.com/magazines/view/150
Southern Living	June 2008	http://www7.mygazines.com/magazines/view/89
Decanter	July 2008	http://www7.mygazines.com/magazines/view/771
Golf Monthly	July 2008	http://www7.mygazines.com/magazines/view/758
Homes & Gardens	July 2008	http://www7.mygazines.com/magazines/view/654
Homes & Gardens	June 2008	http://www7.mygazines.com/magazines/view/266
In Style (UK)	July 2008	http://www7.mygazines.com/magazines/view/630
In Style (UK)	May 2008	http://www7.mygazines.com/magazines/view/208
In Style (UK/USA)	June 2008	http://www7.mygazines.com/magazines/view/200
Marie Claire (UK)	July 2008	http://www7.mygazines.com/magazines/view/816

**From:** System Administrator

**Sent:** Wednesday, July 23, 2008 7:37 PM

To: Murphy, Arley

Subject: Undeliverable: SENT ON BEHALF OF LANCE KOONCE -- Notice of Infringement

Your message did not reach some or all of the intended recipients.

Subject: SENT ON BEHALF OF LANCE KOONCE -- Notice of Infringement

Sent: 7/23/2008 7:36 PM

The following recipient(s) could not be reached:

#### abuse@mygazines.com on 7/23/2008 7:40 PM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

<SEASMTP02.dwt.com #5.1.1 smtp;550 5.1.1 <abuse@mygazines.com>: Recipient address rejected: User unknown in virtual mailbox table>

#### feedback@mygazines.com on 7/23/2008 7:40 PM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

<SEASMTP02.dwt.com #5.1.1 smtp;550 5.1.1 <feedback@mygazines.com>: Recipient address rejected: User unknown in virtual mailbox table>

### Koonce, Lance

----Original Message----

From: Salveo Ltd [mailto:salveoltd@gmail.com]

Sent: Wednesday, July 23, 2008 7:45 PM

To: Murphy, Arley

Subject: Out of Office AutoReply Re: SENT ON BEHALF OF LANCE KOONCE -- Notice of

Infringement

We are currently unavailable. Thanks in advance for your patience and understanding.

From: TrackingUpdates@fedex.com [mailto:TrackingUpdates@fedex.com]

Sent: Monday, July 28, 2008 4:08 PM

To: Koonce, Lance

Subject: FedEx Shipment 790058428886 Delivered

This tracking update has been requested by:

Company Name:

Davis Wright Tremaine, LLp

Name: E-mail: Lance Koonce koonl@dwt.com

Our records indicate that the following shipment has been delivered:

Reference: 55960.1-0280 Ship (P/U) date: Jul 24, 2008

Delivery date: Jul 28, 2008 8:27 AM

Sign for by: C.REYMOND

Delivered to: Receptionist/Front Desk
Service type: FedEx International Priority

Packaging type: FedEx Pak
Number of pieces: 1

Weight: 0.20 lb.

Special handling/Services: Deliver Weekday

Tracking number: 790058428886

Shipper Information Recipient Information

LANCE KOONCE JOHN SMITH
DAVIS WRIGHT TREMAINE, LLP SALVEO LIMITED

1633 BROADWAY MITCHELL HOUSE; P.O. BOX 17

NEW YORK THE VALLEY

NY AI

US 10019

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 3:07 PM CDT on 07/28/2008.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the status of this shipment online, please use the following: <a href="https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=790058428886&language=en&opco=FX&clientype=ivpodalrt">https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=790058428886&language=en&opco=FX&clientype=ivpodalrt</a>

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the

requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

LANCE KOONCE DIRECT (212) 603-6467 lancekoonce@dwt.com

1633 BROADWAY

NEW YORK, NY 10019-6708

TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

July 24, 2008

### **BY EMAIL AND OVERNIGHT MAIL**

Cybernet Communication Inc. 20 Amber St. #16 Markham, ON L3R 5P4 Email: abuse@mycybernet.net

Dynamic Network Services, Inc. 1230 Elm Street, Fifth Floor Manchester, NH 03101 Email: abuse@dyndns.com

> Re: Copyright Infringement by Mygazines.com

To Whom It May Concern:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to a website located at www.mygazines.com (the "Infringing Website"), for which we believe Cybernet Communication Inc. is providing website hosting, and for which Dynamic Network Services is providing other services. It has come to our client's attention that the owners of this Infringing Website are distributing and displaying unauthorized copies of a number of Time's magazines, in clear violation of the U.S. Copyright Act and other applicable laws. Indeed, it does not appear that any of the magazines (regardless of publisher) that are available on this website are authorized reproductions, but rather all appear to be infringements. In light of the above, we demand that you immediately disable access to the Infringing Website or, at a minimum, block access specifically to the magazines published by Time. We are attempting to contact the owner of the Infringing Website directly as well.

The Infringing Website currently makes available to users full reproductions of the following magazines published by Time: Time, Entertainment Weekly, Essence, Fortune 500. Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter, Golf Monthly, Homes & Gardens, In Style (UK), and Marie Claire (UK). In many cases, issues of each magazine for different weeks or months are available. For example, for People, all four

Cybernet Communications/Dynamic Network Services July 24, 2008 Page -2-



weekly issues from June and July 2008 are posted on the Infringing Website, as well as one weekly issue from May 2008. Attached as an exhibit to this letter are the specific URLs for each magazine file in question.

The works that Mygazines.com is displaying on the Infringing Website are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Those works may only be published, reproduced, distributed and displayed by Time. or pursuant to Time's permission, and only Time may authorize the creation of derivative works based on its copyrighted content in its magazines. The use of Time's magazines in connection with the Infringing Website constitutes a blatant violation of the copyright laws. The use of our client's magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of our client's rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of our client that, no later than the close of business July 25, 2008, you (1) disable the Infringing Website or the specific URLS set forth in the attached list; and (2) certify in writing to the undersigned that you have complied with the above request.

This letter also constitutes our clients' notice, as required under 17 U.S.C. § 512(c)(3)(A), that Time has a good faith belief that the reproduction, display, and distribution of these works on the above-referenced website is not authorized by Time and infringes Time's intellectual property rights in these works. The Copyright Act requires internet service providers to remove or disable access to the infringing material or otherwise respond to this notice promptly. If you fail to do so, you may be liable for damages and injunctive relief as appropriate. I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of Time, owner of the rights infringed by the above-referenced Website.

You may contact me at the address, email address and telephone number listed above.

The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lance Koonce

LHK/lp Enclosures

June 9, 2008

June 2, 2008

May 19, 2008

Time

Time

Time

Time

Time

http://www7.mygazines.com/magazines/view/794 http://www7.mygazines.com/magazines/view/690 http://www7.mygazines.com/magazines/view/415 June 20, 2008 http://www7.mygazines.com/magazines/view/143 http://www7.mygazines.com/magazines/view/253 http://www7.mygazines.com/magazines/view/613 http://www7.mygazines.com/magazines/view/155 http://www7.mygazines.com/magazines/view/497 http://www7.mygazines.com/magazines/view/273 http://www7.mygazines.com/magazines/view/522 http://www7.mygazines.com/magazines/view/454 http://www7.mygazines.com/magazines/view/13 http://www7.mygazines.com/magazines/view/786 http://www7.mygazines.com/magazines/view/313 http://www7.mygazines.com/magazines/view/17 http://www7.mygazines.com/magazines/view/802 http://www7.mygazines.com/magazines/view/706 http://www7.mygazines.com/magazines/view/439 http://www7.mygazines.com/magazines/view/318 June 30, 2008 http://www7.mygazines.com/magazines/view/149 June 23, 2008 http://www7.mygazines.com/magazines/view/196 June 16, 2008 http://www7.mygazines.com/magazines/view/83 http://www7.mygazines.com/magazines/view/23 http://www7.mygazines.com/magazines/view/24 http://www7.mygazines.com/magazines/view/664 http://www7.mygazines.com/magazines/view/557 http://www7.mygazines.com/magazines/view/500 http://www7.mygazines.com/magazines/view/501 http://www7.mygazines.com/magazines/view/803 http://www7.mygazines.com/magazines/view/157 http://www7.mygazines.com/magazines/view/27 http://www7.mygazines.com/magazines/view/666 http://www7.mygazines.com/magazines/view/405 June 30, 2008 http://www7.mygazines.com/magazines/view/370 June 23, 2008 http://www7.mygazines.com/magazines/view/198 http://www7.mygazines.com/magazines/view/151 http://www7.mygazines.com/magazines/view/90 http://www7.mygazines.com/magazines/view/93 http://www7.mygazines.com/magazines/view/91 http://www7.mygazines.com/magazines/view/639 http://www7.mygazines.com/magazines/view/349 http://www7.mygazines.com/magazines/view/92 http://www7.mygazines.com/magazines/view/344 http://www7.mygazines.com/magazines/view/833 http://www7.mygazines.com/magazines/view/464 http://www7.mygazines.com/magazines/view/406 June 23, 2008 http://www7.mygazines.com/magazines/view/199 June 16, 2008 http://www7.mygazines.com/magazines/view/152 http://www7.mygazines.com/magazines/view/117 http://www7.mygazines.com/magazines/view/116 http://www7.mygazines.com/magazines/view/118

Time	May 12, 2008	http://www7.mygazines.com/magazines/view/97
Coastal Living	July 2008	http://www7.mygazines.com/magazines/view/292
Coastal Living	June 2008	http://www7.mygazines.com/magazines/view/51
Cooking Light	July 2008	http://www7.mygazines.com/magazines/view/293
Cooking Light	June 2008	http://www7.mygazines.com/magazines/view/56
Health	July 2008	http://www7.mygazines.com/magazines/view/299
Health	June 2008	http://www7.mygazines.com/magazines/view/14
Southern Accents	July 2008	http://www7.mygazines.com/magazines/view/316
Southern Living	July 2008	http://www7.mygazines.com/magazines/view/150
Southern Living	June 2008	http://www7.mygazines.com/magazines/view/89
Decanter	July 2008	http://www7.mygazines.com/magazines/view/771
Golf Monthly	July 2008	http://www7.mygazines.com/magazines/view/758
Homes & Gardens	July 2008	http://www7.mygazines.com/magazines/view/654
Homes & Gardens	June 2008	http://www7.mygazines.com/magazines/view/266
In Style (UK)	July 2008	http://www7.mygazines.com/magazines/view/630
In Style (UK)	May 2008	http://www7.mygazines.com/magazines/view/208
In Style (UK/USA)	June 2008	http://www7.mygazines.com/magazines/view/200
Marie Claire (UK)	July 2008	http://www7.mygazines.com/magazines/view/816

**From:** Rick Ross [mailto:rross@whip.ca]

**Sent:** Fri 7/25/2008 2:51 PM To: icheval@mycybernet.net

**Subject:** Allegations of Copyright Infringement.

Dear Sir,

Thank-you for raising this issue to our attention. We have forwarded your concerns for investigation. Should we have further information, we will advise.

Sincerely,

Rick Ross, President myCybernet / SwitchWorks Technologies Inc. 20 Amber St., Unit 16, Markham, Ontario, CANADA L3R 5P4 Toronto Tel: (416) 531-8750 Markham Tel: (905) 947-1801 Fax: (905) 947-1802

Find out more about our aDSL and our Wireless HighSpeed network WHIP® at http:/mycybernet.net http://www.myPersona.ca and http://www.switchworks.com

LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAL WASHINGTON, D.C.

LANCE KOONCE DIRECT (212) 603-6467 lancekoonce@dwt.com

1633 BROADWAY NEW YORK, NY 10019-6708 TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

July 25, 2008

### BY EMAIL AND OVERNIGHT MAIL

Secure Hosting Ltd. Robinson & Marathon Rds. PO BOX CB13862 Nassau, Bahamas

Email: sales@securehost.com

Gandi SAS 15 Place de la Nation Paris (75011), France

Email: abuse@support.gandi.net

Copyright Infringement by Mygazines.com Re:

To Whom It May Concern:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to a website at www.mygazines.com, www5.mygazines.com, www6.mygazines.com www7.mygazines.com (collectively, the "Infringing Website"), for which we believe Secure Hosting Ltd. is providing website hosting, and for which Gandi SAS is providing DNS hosting services. It has come to our client's attention that the owners of this Infringing Website are distributing and displaying unauthorized copies of a number of Time's magazines, in clear violation of the U.S. Copyright Act and other applicable laws. Indeed, it does not appear that any of the magazines (regardless of publisher) that are available on this website are authorized reproductions, but rather all appear to be infringements. In light of the above, we demand that you immediately disable access to the Infringing Website or, at a minimum, block access specifically to the magazines published by Time. We are attempting to contact the owner of the Infringing Website directly as well.

The Infringing Website currently makes available to users full reproductions of the following magazines published by Time: Time, Entertainment Weekly, Essence, Fortune 500, Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter, Golf Monthly, Homes & Gardens, In Style (UK), and Marie Claire (UK). In many cases, issues

of each magazine for different weeks or months are available. For example, for *People*, all four weekly issues from June and July 2008 are posted on the Infringing Website, as well as one weekly issue from May 2008. Attached as an exhibit to this letter are the specific URLs for each magazine file in question.

The works that Mygazines.com is displaying on the Infringing Website are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Those works may only be published, reproduced, distributed and displayed by Time, or pursuant to Time's permission, and only Time may authorize the creation of derivative works based on its copyrighted content in its magazines. The use of Time's magazines in connection with the Infringing Website constitutes a blatant violation of the copyright laws. The use of our client's magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of our client's rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of our client that, no later than the close of business July 29, 2008, you (1) disable the Infringing Website or the specific URLs set forth in the attached list; and (2) certify in writing to the undersigned that you have complied with the above request.

This letter also constitutes our clients' notice, as applicable, under 17 U.S.C. § 512(c)(3)(A), that Time has a good faith belief that the reproduction, display, and distribution of these works on the above-referenced website is not authorized by Time and infringes Time's intellectual property rights in these works. The U.S. Copyright Act requires internet service providers that are subject to its provisions to remove or disable access to the infringing material or otherwise respond to a notice such as this one promptly. Failing to do so may render an ISP liable for damages and injunctive relief as appropriate. I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of Time, owner of the rights infringed by the above-referenced Website.

You may contact me at the address, email address and telephone number listed above.

The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lance Koonce

LHK/lp Enclosure

<b>Publication Name</b>	Date	URL
Entertainment Weekly	July 25, 2008	http://www7.mygazines.com/magazines/view/794
Entertainment Weekly	July 18, 2008	http://www7.mygazines.com/magazines/view/794
Entertainment Weekly	July 11, 2008	http://www7.mygazines.com/magazines/view/415
Entertainment Weekly	June 20, 2008	http://www7.mygazines.com/magazines/view/413
Entertainment Weekly	June 27, 2008	http://www7.mygazines.com/magazines/view/143
Essence	August 2008	http://www7.mygazines.com/magazines/view/613
Essence	July 2008	http://www7.mygazines.com/magazines/view/013
Fortune 500	May 5, 2008	http://www7.mygazines.com/magazines/view/497
Fortune Special Investors Issue	2008	http://www7.mygazines.com/magazines/view/273
Fortune	July 7, 2008	http://www7.mygazines.com/magazines/view/522
Golf	August 2008	http://www7.mygazines.com/magazines/view/454
Golf	June 2008	http://www7.mygazines.com/magazines/view/13
In Style	August 2008	http://www7.mygazines.com/magazines/view/786
In Style	July 2008	http://www7.mygazines.com/magazines/view/313
Money	June 2008	http://www7.mygazines.com/magazines/view/17
People	July 28, 2008	http://www7.mygazines.com/magazines/view/802
People	July 21, 2008	http://www7.mygazines.com/magazines/view/706
People	July 14, 2008	http://www7.mygazines.com/magazines/view/439
People	July 7, 2008	http://www7.mygazines.com/magazines/view/318
People	June 30, 2008	http://www7.mygazines.com/magazines/view/149
People	June 23, 2008	http://www7.mygazines.com/magazines/view/196
People	June 16, 2008	http://www7.mygazines.com/magazines/view/83
People	June 2, 2008	http://www7.mygazines.com/magazines/view/23
People	May 26, 2008	http://www7.mygazines.com/magazines/view/24
People en Espanol	August 2008	http://www7.mygazines.com/magazines/view/664
People en Espanol	July 2008	http://www7.mygazines.com/magazines/view/557
People Child Stars	Summer 2008	http://www7.mygazines.com/magazines/view/500
People Style Watch	June 2008	http://www7.mygazines.com/magazines/view/501
Real Simple	August 2008	http://www7.mygazines.com/magazines/view/803
Real Simple	July 2008	http://www7.mygazines.com/magazines/view/157
Real Simple	June 2008	http://www7.mygazines.com/magazines/view/27
Sports Illustrated	July 14, 2008	http://www7.mygazines.com/magazines/view/666
Sports Illustrated	July 7, 2008	http://www7.mygazines.com/magazines/view/405
Sports Illustrated		http://www7.mygazines.com/magazines/view/370
Sports Illustrated	June 23, 2008	http://www7.mygazines.com/magazines/view/198
Sports Illustrated	June 16, 2008	http://www7.mygazines.com/magazines/view/151
Sports Illustrated	June 2, 2008	http://www7.mygazines.com/magazines/view/90
Sports Illustrated	May 19, 2008	http://www7.mygazines.com/magazines/view/93
Sports Illustrated	May 12, 2008	http://www7.mygazines.com/magazines/view/91
Sports Illustrated For Kids	August 2008	http://www7.mygazines.com/magazines/view/639
Sports Illustrated For Kids	July 2008	http://www7.mygazines.com/magazines/view/349
Sports Illustrated For Kids	June 2008	http://www7.mygazines.com/magazines/view/92
This Old House	July 2008	http://www7.mygazines.com/magazines/view/344
Time	July 21, 2008	http://www7.mygazines.com/magazines/view/833
Time	July 14, 2008	http://www7.mygazines.com/magazines/view/464
Time	July 7, 2008	http://www7.mygazines.com/magazines/view/406
Time	June 23, 2008	http://www7.mygazines.com/magazines/view/199
Time	June 16, 2008	http://www7.mygazines.com/magazines/view/152
Time	June 9, 2008	http://www7.mygazines.com/magazines/view/117

Time	June 2, 2008	http://www7.mygazines.com/magazines/view/116
Time	May 19, 2008	http://www7.mygazines.com/magazines/view/118
Time	May 12, 2008	http://www7.mygazines.com/magazines/view/97
Coastal Living	July 2008	http://www7.mygazines.com/magazines/view/292
Coastal Living	June 2008	http://www7.mygazines.com/magazines/view/51
Cooking Light	July 2008	http://www7.mygazines.com/magazines/view/293
Cooking Light	June 2008	http://www7.mygazines.com/magazines/view/56
Health	July 2008	http://www7.mygazines.com/magazines/view/299
Health	June 2008	http://www7.mygazines.com/magazines/view/14
Southern Accents	July 2008	http://www7.mygazines.com/magazines/view/316
Southern Living	July 2008	http://www7.mygazines.com/magazines/view/150
Southern Living	June 2008	http://www7.mygazines.com/magazines/view/89
Decanter	July 2008	http://www7.mygazines.com/magazines/view/771
Golf Monthly	July 2008	http://www7.mygazines.com/magazines/view/758
Homes & Gardens	July 2008	http://www7.mygazines.com/magazines/view/654
Homes & Gardens	June 2008	http://www7.mygazines.com/magazines/view/266
In Style (UK)	July 2008	http://www7.mygazines.com/magazines/view/630
In Style (UK)	May 2008	http://www7.mygazines.com/magazines/view/208
In Style (UK/USA)	June 2008	http://www7.mygazines.com/magazines/view/200
Marie Claire (UK)	July 2008	http://www7.mygazines.com/magazines/view/816



GANDI SAS - 15 place de la Nation F75011 PARIS - FRANCE www.gandi.net fax: +33.143731851

SIRET 42309345900026 - TVA FR81423093459 - APE 723Z

DAVIS WRIGHT TREMAINE LLP LANCE KOONCE 1633 BROADWAY New York, NY 10019-6708

Paris, July the 30th, 2008

By E-Mail: lancekoonce@dwt.com

Confirmation by courier

Subject: domain name < www.mygazines.com >

Dear Sir.

By federal express dated July 25th, 2008, you explain us that the websites "www5.mygazines.com" "www.mygazines.com" "www6.mygazines.com" "www7.mygazines.com" violates Time INC and IPC Media's copyright. It seems necessary to give you the following background information.

First, GANDI's main activity is to provide registration and management services for Internet domain names, as a Registrar accredited by the international organization ICANN (The Internet Corporation for Assigned Names and Numbers) since 1999. As such, GANDI is allowed to manage and register domain names for its customers.

As the domain name registrar, GANDI only manage the domain name "mygazines.com", as specified below (we only have the authority to provide you with the domain's registration information, which is publicly available in the whois database : http://www.gandi.net/whois),

domain: mygazines.com

reg created: 2006-10-14 07:20:04 expires: 2013-10-14 07:20:04 created: 2008-06-17 05:55:49 changed: 2008-07-24 21:12:40

transfer-prohibited: yes ns0: a.dns.gandi.net ns1: b.dns.gandi.net ns2: c.dns.gandi.net

owner-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

But Gandi does not provide webhosting services associated to the website: "www.mygazines.com".

As your complaint is about the content of a website, please forward it to the Hosting

Company:

OrgName: Secure Hosting Ltd.

OrgID: SHTD

Address: PO BOX CB13862

City: Nassau StateProv: NP PostalCode: CB13862

Country: BS

NetRange: 208.87.32.0 - 208.87.39.255

CIDR: 208.87.32.0/21
NetName: SECUREHOST
NetHandle: NET-208-87-32-0-1
Parent: NET-208-0-0-0
NetType: Direct Allocation

NameServer: NS1.SECUREHOST.COM NameServer: NS2.SECUREHOST.COM

Comment:

RegDate: 2008-02-14 Updated: 2008-02-14 RAbuseHandle: ABUSE349-ARIN

RAbuseName: Abuse Contact RAbusePhone: 242-502-8700

RAbuseEmail: abuse@securehost.com

RNOCHandle: RD1004-ARIN RNOCName: Douglas, Richard RNOCPhone: 242-502-8700

RNOCEmail: hostmaster@securehost.com

RTechHandle: RD1004-ARIN RTechName: Douglas, Richard RTechPhone: 242-502-8700

RTechEmail: hostmaster@securehost.com

OrgAbuseHandle: ABUSE349-ARIN OrgAbuseName: Abuse Contact OrgAbusePhone: 242-502-8700

OrgAbuseEmail: abuse@securehost.com

OrgTechHandle: RD1004-ARIN OrgTechName: Douglas, Richard OrgTechPhone: 242-502-8700

OrgTechEmail: <a href="mailto:hostmaster@securehost.com">hostmaster@securehost.com</a>

Please note that in the event you wish to start a legal action regarding this domain name, it is not necessary to involve GANDI, since GANDI will comply with the decision to be rendered, if the legal procedure or alternative dispute resolution procedure does comply with the rules in effect and the regulations issued by the ICANN (article 3) <a href="http://www.icann.org/dndr/udrp/policy.htm">http://www.icann.org/dndr/udrp/policy.htm</a>, as GANDI is under the obligation to apply these rules, as any other Registrar, as long as the domain name is registered into Gandi's data base.

We remain at your disposal for any further information you may need,

Yours sincerely,

For GANDI- Legal Department

Idir Atbane

Tel: +33.170393761 fax: +33.143731851 email: juridique@gandi.net

### Brodsky, Rachel

From: Sent: abuse [abuse@securehost.com] Friday, July 25, 2008 7:05 PM

To:

Koonce, Lance

Subject:

[Ticket #218858] AutoReply: URGENT -- IMMEDIATE ATTENTION NEEDED REGARDING

INFRINGEMENT BY MYGAZINES COM

Greetings,

This message has been automatically generated in response to the creation of a ticket regarding: "URGENT -- IMMEDIATE ATTENTION NEEDED REGARDING INFRINGEMENT BY MYGAZINES.COM"

There is no need to reply to this message. Your ticket has been assigned an ID of: [Ticket #218858].

Please include the string: [Ticket #218858] in the subject line of all future correspondence about this issue.

Thank you, abuse@securehost.com

\_\_\_\_\_\_

#### Brodsky, Rachel

From: sales [sales@securehost.com]
Sent: sales [sales@securehost.com]
Friday, July 25, 2008 7:05 PM

To: Koonce, Lance

Subject: [Ticket #218859] AutoReply: URGENT -- IMMEDIATE ATTENTION NEEDED REGARDING

INFRINGEMENT BY MYGAZINES.COM

Greetings,

This message has been automatically generated in response to the creation of a ticket regarding: "URGENT -- IMMEDIATE ATTENTION NEEDED REGARDING INFRINGEMENT BY MYGAZINES.COM"

There is no need to reply to this message. Your ticket has been assigned an ID of: [Ticket #218859].

Please include the string: [Ticket #218859] in the subject line of all future correspondence about this issue.

Thank you,

sales@securehost.com

\_\_\_\_\_\_

----Original Message----

From: SecureHost.com Support via RT [mailto:abuse@securehost.com]

Sent: Thursday, July 31, 2008 11:56 AM

To: Koonce, Lance

Subject: [Ticket #218856] URGENT: LETTER RE COPYRIGHT INFRINGEMENT BY

MYGAZINES.COM

Thank you for your email.

The content that you refer to in your complaint is no longer hosted on our networks.

Regards, SECUREHOST.COM

LAWYERS



### Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

LANCE KOONCE DIRECT (212) 603-6467 lancekoonce@dwt.com

1633 BROADWAY NEW YORK, NY 10019-6708

TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

August 1, 2008

#### **BY EMAIL AND OVERNIGHT MAIL**

Artur Enaliev **Best Hosting** Kostiakova str., 12/6, 3<sup>rd</sup> Floor Moscow, Russia

Email: admin@nt-hosting.ru; sales@nt-hosting.ru

New World Telecom 17/F, Chevalier Commercial Centre 8 Wang Hoi Road Kowloon Bay Hong Kong

Email: nwtes@newworldtel.com

Re: Copyright Infringement by Mygazines.com

To Whom It May Concern:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to a website at www.mygazines.com, www5.mygazines.com, www6.mygazines.com www7.mygazines.com (collectively, the "Infringing Website"), for which we believe Best Hosting and New World Telecom are providing website hosting. It has come to our client's attention that the owners of this Infringing Website are distributing and displaying unauthorized copies of a number of Time's magazines, in clear violation of the U.S. Copyright Act and other applicable laws. Indeed, it does not appear that any of the magazines (regardless of publisher) that are available on this website are authorized reproductions, but rather all appear to be infringements. In light of the above, we demand that you immediately disable access to the Infringing Website or, at a minimum, block access specifically to the magazines published by Time. We are attempting to contact the owner of the Infringing Website directly as well.

New World Telecom and Best Hosting should be aware that they are the third and fourth hosts, respectively, for the Infringing Website within a timespan of less than two weeks. The **Best Hosting** New World Telecom August 1, 2008 Page -2-



previous web site hosts, Cybernet Communications, Inc. of Canada and Secure Hosting Ltd. of the Bahamas both agreed to cease hosting the Infringing Website after third party publishers complained that the Infringing Website was being used to violate copyright law on a massive scale.

The Infringing Website currently makes available to users full reproductions of the following magazines published by Time: Time, Entertainment Weekly, Essence, Fortune 500, Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter, Golf Monthly, Homes & Gardens, In Style (UK), and Marie Claire (UK). In many cases, issues of each magazine for different weeks or months are available. For example, for People, all four weekly issues from June and July 2008 are posted on the Infringing Website, as well as one weekly issue from May 2008. Attached as an exhibit to this letter are the specific URLs for each magazine file in question.

The works that Mygazines.com is displaying on the Infringing Website are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Those works may only be published, reproduced, distributed and displayed by Time, or pursuant to Time's permission, and only Time may authorize the creation of derivative works based on its copyrighted content in its magazines. The use of Time's magazines in connection with the Infringing Website constitutes a blatant violation of the copyright laws. The use of our client's magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of our client's rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of our client that, no later than the close of business August 6, 2008, you (1) disable the Infringing Website or the specific URLs set forth in the attached list; and (2) certify in writing to the undersigned that you have complied with the above request.

This letter also constitutes our clients' notice, as applicable, under 17 U.S.C. § 512(c)(3)(A), that Time has a good faith belief that the reproduction, display, and distribution of these works on the above-referenced website is not authorized by Time and infringes Time's intellectual property rights in these works. The U.S. Copyright Act requires internet service providers that are subject to its provisions to remove or disable access to the infringing material or otherwise respond to a notice such as this one promptly. Failing to do so may render an ISP liable for damages and injunctive relief as appropriate. I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of Time, owner of the rights infringed by the above-referenced Website.

You may contact me at the address, email address and telephone number listed above.

**Best Hosting** New World Telecom August 1, 2008 Page -3-



The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lukore

LHK/lp Enclosure

Publication Name	Date	URL
Entertainment Weekly	July 25, 2008	http://www7.mygazines.com/magazines/view/794
Entertainment Weekly	July 18, 2008	http://www7.mygazines.com/magazines/view/690
Entertainment Weekly	July 11, 2008	http://www7.mygazines.com/magazines/view/415
Entertainment Weekly	June 20, 2008	http://www7.mygazines.com/magazines/view/143
<del>=</del>	June 27, 2008	http://www7.mygazines.com/magazines/view/253
Entertainment Weekly		*
Essence	August 2008	http://www7.mygazines.com/magazines/view/613
Essence	July 2008	http://www7.mygazines.com/magazines/view/155
Fortune 500	May 5, 2008	http://www7.mygazines.com/magazines/view/497
Fortune Special Investors Issue	2008	http://www7.mygazines.com/magazines/view/273
Fortune	July 7, 2008	http://www7.mygazines.com/magazines/view/522
Golf	August 2008	http://www7.mygazines.com/magazines/view/454
Golf	June 2008	http://www7.mygazines.com/magazines/view/13
In Style	August 2008	http://www7.mygazines.com/magazines/view/786
In Style	July 2008	http://www7.mygazines.com/magazines/view/313
Money	June 2008	http://www7.mygazines.com/magazines/view/17
People	July 28, 2008	http://www7.mygazines.com/magazines/view/802
People	July 21, 2008	http://www7.mygazines.com/magazines/view/706
People	July 14, 2008	http://www7.mygazines.com/magazines/view/439
People	July 7, 2008	http://www7.mygazines.com/magazines/view/318
People	June 30, 2008	http://www7.mygazines.com/magazines/view/149
People	June 23, 2008	http://www7.mygazines.com/magazines/view/196
People	June 16, 2008	http://www7.mygazines.com/magazines/view/83
People	June 2, 2008	http://www7.mygazines.com/magazines/view/23
People	May 26, 2008	http://www7.mygazines.com/magazines/view/24
People en Espanol	August 2008	http://www7.mygazines.com/magazines/view/664
People en Espanol	July 2008	http://www7.mygazines.com/magazines/view/557
People Child Stars	Summer 2008	http://www7.mygazines.com/magazines/view/500
People Style Watch	June 2008	http://www7.mygazines.com/magazines/view/501
•	August 2008	http://www7.mygazines.com/magazines/view/803
Real Simple	_	http://www7.mygazines.com/magazines/view/157
Real Simple	July 2008 June 2008	• •
Real Simple		http://www7.mygazines.com/magazines/view/27
Sports Illustrated	July 14, 2008	http://www7.mygazines.com/magazines/view/666
Sports Illustrated	July 7, 2008	http://www7.mygazines.com/magazines/view/405
Sports Illustrated	June 30, 2008	http://www7.mygazines.com/magazines/view/370
Sports Illustrated	June 23, 2008	http://www7.mygazines.com/magazines/view/198
Sports Illustrated	June 16, 2008	http://www7.mygazines.com/magazines/view/151
Sports Illustrated	June 2, 2008	http://www7.mygazines.com/magazines/view/90
Sports Illustrated	May 19, 2008	http://www7.mygazines.com/magazines/view/93
Sports Illustrated	May 12, 2008	http://www7.mygazines.com/magazines/view/91
Sports Illustrated For Kids	August 2008	http://www7.mygazines.com/magazines/view/639
Sports Illustrated For Kids	July 2008	http://www7.mygazines.com/magazines/view/349
Sports Illustrated For Kids	June 2008	http://www7.mygazines.com/magazines/view/92
This Old House	July 2008	http://www7.mygazines.com/magazines/view/344
Time	July 21, 2008	http://www7.mygazines.com/magazines/view/833
Time	July 14, 2008	http://www7.mygazines.com/magazines/view/464
Time	July 7, 2008	http://www7.mygazines.com/magazines/view/406
Time	June 23, 2008	http://www7.mygazines.com/magazines/view/199
Time	June 16, 2008	http://www7.mygazines.com/magazines/view/152
Time	June 9, 2008	http://www7.mygazines.com/magazines/view/117
Time	June 2, 2008	http://www7.mygazines.com/magazines/view/116
Time	May 19, 2008	http://www7.mygazines.com/magazines/view/118

May 12, 2008	http://www7.mygazines.com/magazines/view/97
July 2008	http://www7.mygazines.com/magazines/view/292
June 2008	http://www7.mygazines.com/magazines/view/51
July 2008	http://www7.mygazines.com/magazines/view/293
June 2008	http://www7.mygazines.com/magazines/view/56
July 2008	http://www7.mygazines.com/magazines/view/299
June 2008	http://www7.mygazines.com/magazines/view/14
July 2008	http://www7.mygazines.com/magazines/view/316
July 2008	http://www7.mygazines.com/magazines/view/150
June 2008	http://www7.mygazines.com/magazines/view/89
July 2008	http://www7.mygazines.com/magazines/view/771
July 2008	http://www7.mygazines.com/magazines/view/758
July 2008	http://www7.mygazines.com/magazines/view/654
June 2008	http://www7.mygazines.com/magazines/view/266
July 2008	http://www7.mygazines.com/magazines/view/630
May 2008	http://www7.mygazines.com/magazines/view/208
June 2008	http://www7.mygazines.com/magazines/view/200
July 2008	http://www7.mygazines.com/magazines/view/816
	July 2008 June 2008 June 2008 June 2008 July 2008 June 2008 July 2008 July 2008 June 2008 July 2008 June 2008 June 2008 July 2008

# EXHIBIT 16



# **Visual IP Trace Report**

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website | Purchase Visual IP Trace

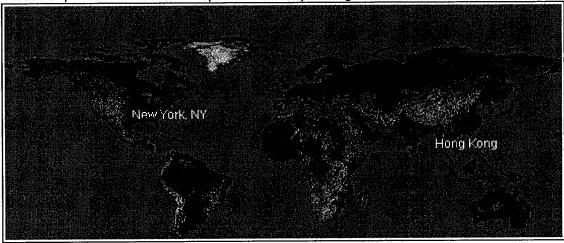
# **Identification Report for 203.98.175.14**

Computer 203.98.175.14 has been found. It is probably located in or around Hong Kong as this is where the organization or individual who manages the system is located.

This system is a web server (click <u>here</u> for details).

The following copyright notice appears on the website, which could give a clue to the website creators: @ 2008 Click here to hide the route map (more info) Mygazines.com 🗉

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a guessed location.



- Click here to show information on each hop along the route (more info)  $\pm$
- Click here to hide further owner details (more info)

Network Owner Information	Domain Owner Information
The following information refers to the network on which this system lies. This is useful information because it describes who you need to report to if someone on their network has been abusive. (How to effectively report network abuse) % [whois.apnic.net node-1] % Whois data copyright terms http://www.apnic.net/db/dbcopyright.html	
inetnum: 203.98.175.0 - 203.98.175.63 netname: KINGDOM-HK country: HK descr: KINGDOM - Internet Access admin-c: TC514-AP admin-c: EL496-AP tech-c: KW316-AP	

tech-c: AC286-AP

status: ASSIGNED NON-PORTABLE

changed: chris.yau@newworldtel.com 20060830

mnt-by: MAINT-HK-NEWWORLDTEL

source: APNIC

person: Edward Lam nic-hdl: EL496-AP

e-mail: NSCNO@newworldtel.com

address: 17/F, Chevalier Commercial Centre, address: 8 Wang Hoi Road, Kowloon Bay,

address: Hong Kong phone: +852-21336896 fax-no: +852-21330926

country: HK

changed: kmmwong@newworldtel.com 20071213

mnt-by: MAINT-HK-NEWWORLDTEL

source: APNIC

person: Thomas Chow nic-hdl: TC514-AP

e-mail: nmc@newworldtel.com

address: 17/F, Chevalier Commercial Centre, address: 8 Wang Hoi Road, Kowloon Bay,

address: Hong Kong phone: +852-21300120 fax-no: +852-21331599

country: HK

changed: kmmwong@newworldtel.com 20061213

mnt-by: MAINT-HK-NEWWORLDTEL

source: APNIC

person: Anson Chan nic-hdl: AC286-AP

e-mail: nmc@newworldtel.com

address: 17/F Chevalier Commercial Centre, address: 8 Wang Hoi Road, Kowloon Bay,

address: Hong Kong phone: +852-21300120 fax-no: +852-21332008

country: HK

changed: kmmwong@newworldtel.com 20070305

mnt-by: MAINT-HK-NEWWORLDTEL

source: APNIC

person: Kwong Ming Wong

nic-hdl: KW316-AP

e-mail: kmmwong@newworldtel.com

address: 17/F, Chevalier Commercial Centre, address: 8 Wang Hoi Road, Kowloon Bay,

address: Hong Kong phone: +852-21336736 fax-no: +852-2133 2107

country: HK

changed: edward.lam@newworldtel.com 20060817

mnt-by: MAINT-HK-NEWWORLDTEL

source: APNIC

Click here to show the analysis of the system's applications (more info)

<u>Visual IP Trace</u> 4.0c Copyright © <u>Visualware, Inc.</u> 2008

Login

78 diggs diggit

search

search articles

Mygazines.com - upload. share. archive.

MAGAZINES

ARTICLES

MYGAZINES

FRIENDS

upload

# What is Mygazines?

Mygazines is your free place to browse, share, archive and customize unlimited magazine articles uploaded by you, the Mygazines community.

take a quick tour .

# **Member Login**

your username

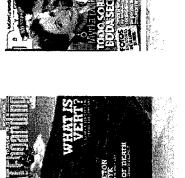
your password

forgot username | forgot password

Not a member yet? Signup for Free!

# Top Ranked Magazines







New uploads

Top rated articles Most read articles

Top rated mygazines

August 2008 (BRA) Placar

Info Exame June 2008 (BRA)

August 17, 2008

sfragata

avg article rating

www\_piratao\_info August 17, 2008

avg article rating

August 2008 (IDN) August 17, 2008 avg article rating Magic Wave lowrobb

> September 2008 (CAN/USA) Brides

Men's Vogue September 2008 (CAN/USA)

Skateboarding October 2008 (CAN/USA)

http://203.98.175.14/

8/17/2008

avg article rating

Mygazines.com - upload. share. archive.





avg article rating

avg article rating





Page 2 of 3

To the member who signs up the most friends

Town & Country September 2008

Weight Watchers

Atlantic Monthly September 2008

(CAN/USA)

September 2008

(CAN/USA)

(CAN/USA)

click for full contest details

avg article rating

avg article rating

avg article rating

won't email anyone without your explicit permission We will not store store your login or password and See who's already on Mygazines.





confinue

# Find Your Friends!

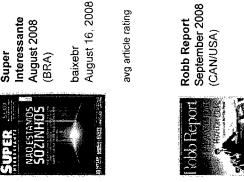


CGS = Coto

# search community or email invite

# Frequently Asked Questions

- What are 'mygazines'?
- How can I create my own?
- Where are my mygazines stored?
- How can I edit my mygazines?



















avg article rating







avg article rating



avg article rating

http://203.98.175.14/

# Mygazines.com - upload. share. archive.

# Popular Tags

Page 3 of 3

1, 10min, 2008, 3, 3G, a, a5, aa, about, airplane, alcohol, alek, alfa, alimentos, also, advertise, advertising, affitto, africa, aircraft, abril, abs, absolute, accessible, action, ad, appartamento, appetizers, arbol, architecture, Anne, annisa, annual, anorexia, antenna, Angelina, angie, animal, anime, amazon, amo, amy, analysis, and, adam, address, adfdsf, ads, adult, area



# Visual IP Trace Report

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website |
Purchase Visual IP Trace

Document 19-8

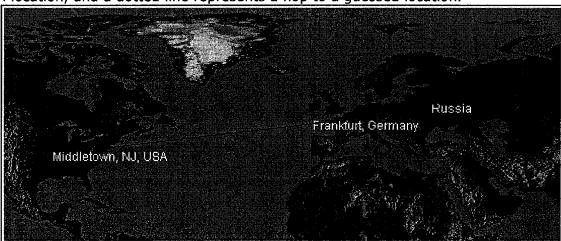
# Identification Report for img6.mygazines.com

Computer **img6.mygazines.com** has been found. Visual IP Trace has drawn information from its own database and from information specified by the owners of img6.mygazines.com. Both sources tend to agree that the host is located around **Moscow**, **Russia**.

**Domain Contact Information:** The following details refer to a name registered for this address.

- bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net
- ☐ Click here to hide the route map (more info)

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a quessed location.



- Click here to show information on each hop along the route (more info)
- ☐ Click here to hide further owner details (more info)

Network Owner Information	Domain Owner Information
The following information refers to the network on	The following information describes the organization
which this system lies. This is useful information	or individual who registered the domain name <b>null</b> .
because it describes who you need to report to if	There can be many domain contacts however
someone on their network has been abusive. (How to	Corporate and Administrator are usually the best
effectively report network abuse)	contact references.
% This is the RIPE Whois query server #3.	#YAML:1.0
% The objects are in RPSL format.	# GANDI Registrar whois database for .COM, .NET,
%	.ORG., .INFO, .BIZ, .NAME
% Rights restricted by copyright.	#
% See http://www.ripe.net/db/copyright.html	# Access and use restricted pursuant to French law on personal data.
% Note: This output has been filtered.	# Copy of whole or part of the data without permission
% To receive output for a database update, use the "-	from GANDI

Page 2 of 3

B" flag.

% Information related to '92.241.172.0 -92.241.173.255'

inetnum: 92.241.172.0 - 92.241.173.255

netname: BESTHOSTING descr: BestHosting

country: RU

admin-c: AE1062-RIPE tech-c: AE1062-RIPE status: ASSIGNED PA mnt-by: RU-WEBALTA-MNT source: RIPE # Filtered

person: Artur Enaliev

address: Kostiakova str., 12/6 address: Moscow, Russia phone: +7 495 788 9484 nic-hdl: AE1062-RIPE mnt-by: DN-MNT source: RIPE # Filtered

# is strictly forbidden.

# The sole owner of a domain is the entity described in the relevant

# 'domain:' record.

# Domain ownership disputes should be settled using

ICANN's Uniform Dispute

# Resolution Policy:

http://www.icann.org/udrp/udrp.htm

# For inquiries about 'by policy' protection, please

check directly

# with the appropriate registry (Eurid, AFNIC)

# Acces et utilisation soumis a la legislation française

# les donnees personnelles.

# Copie de tout ou partie de la base interdite sans autorisation de GANDI.

# Le possesseur d'un domaine est l'entite decrite dans

# l'enregistrement 'domain:' correspondant.

# Un desaccord sur la possession d'un nom de

domaine peut etre resolu

# en suivant la Uniform Dispute Resolution Policy de l'ICANN:

# http://www.icann.org/udrp/udrp.htm

# Pour obtenir les informations en status 'Protected by policy', contactez

# directement le registre concerne (Eurid, AFNIC)

# 2008-08-17 23:08:21 CEST

domain: mygazines.com

reg created: 2006-10-14 07:20:04 expires: 2013-10-14 07:20:04 created: 2008-06-17 05:55:49 changed: 2008-07-24 21:12:40

transfer-prohibited: yes ns0: a.dns.gandi.net ns1: b.dns.gandi.net ns2: c.dns.gandi.net

owner-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley

country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

admin-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

tech-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

bill-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

Click here to show the analysis of the system's applications (more info)

Visual IP Trace 4.0c Copyright © Visualware, Inc. 2008

# EXHIBIT 17

HOME PAGE | MY TIMES

FS TOI

TODAY'S PAPER

VIDEO MOST POPULAR

TIMES TOPICS

The New York Times

Thursday, August 7, 2008

**Business** 

. N.Y. / REGION BUSINESS

TECHNOLOGY

SCIENCE

HEALTH

SPORTS OPINION

ARTS

STYLE

TRAVI

AUTOS

WORLD

PRINT

Wantagoodsfortlundifor your business?



nycedc.com/ vendors

# BITS; Wikileaks Has Friend in Sweden

By DAVID F. GALLAGHER Published: February 25, 2008

Wikileaks Has Friend in Sweden

Why did lawyers for a bank in the Cayman Islands ask a judge in essence to turn off the domain name of the Wikileaks site? Perhaps because they could not get the site shut down by more traditional means.

Companies that believe they have reason to have something taken off the Web routinely have their lawyers fire off letters to the Web hosting company of the site in question. In this case, Julius Baer Bank was interested in removing some of its internal documents that had ended up on Wikileaks, a site that exists to publish documents that someone would rather not see published.

But Wikileaks had clearly planned ahead for this sort of thing. The records for the site indicate that it is hosted by PRQ, based in Stockholm. As it turns out, PRQ is owned by two founders of the Pirate Bay, the BitTorrent tracker site that is Hollywood's least favorite online destination. The Pirate Bay guys have made a sport out of taunting all forms of authority, including the Swedish police, and PRQ has gone out of its way to be a host to sites that other companies would not touch. It is perhaps the world's least lawyer-friendly hosting company and thus a perfect home for Wikileaks, which says it is "developing an uncensorable system for untraceable mass document leaking and public analysis."

DAVID F. GALLAGHER

### MOST POPULAR

E-MAILED BLOGGED SE

- . Personal Health: So
- 2. Who Lives There: Tl
- 3. Where the Fashioni:
- 4. Recipes for Health:
- 5. Maureen Dowd: Mc
- 6. Magazine Preview: 1
  Politics?
- 7. Op-Ed Contributor:
- 8. The Minimalist: Ric Mention Vegetarian
- 9. Roger Cohen: Olé! T
- 10. Where the Race Nov

Go to Complete List »

Ads by Google

what's this?

Cheap Flights to Sweden

Filed 08/27/2008

I think that Sweden is boring, are you sure it's worth to visit? Sweden.best-for.me

#### Cheap Sweden Flights

70% off Sweden Flights Compare Sweden Flights - Save Sweden.Flights.Asia.com

Huge selection of Bits items. Yahoo.com

#### INSIDE NYTIMES.COM

# The New York Times



### Is the water act

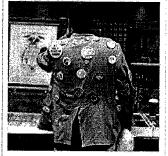
Also in Travel:

Airfares on sale now, so a Taking the plunge in Orec 25 Northeast Getaways

#### **RELATED ADS**

- » Campaign Secrets
- » Thepiratebay
- » Pac
- » Pirate Bay
- » Obama Humor

#### POLITICS »



Little Pieces of Politics Lure Collectors

#### TRAVEL »



Frugal Traveler: Grand Tour in Amsterdam

### **OPINION** » McCain Goes

# Negative

In a Bloggingheads video, a discussion on why Senator John McCain's campaign has turned to negative tactics.



Muscling Into the Mainstream

#### **OPINION** »



Letters: The Barack Ob Rorschach Test

World U.S. N.Y. / Region

Business Technology Science Health

Sports Opinion Arts

Style

Travel Jobs Ri

Copyright 2008 The New York Times Company

Privacy Policy Search Corrections

RSS First Look

Help Contact Us Work



# **Visual IP Trace Report**

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website |
Purchase Visual IP Trace

# Identification Report for img4.mygazines.com

Computer <u>img4.mygazines.com</u> has been found. It is probably located in or around **Sweden** as this is where the organization or individual who manages the system is located.

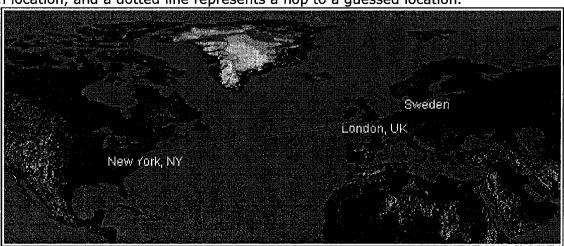
This system is a web server (click <u>here</u> for details).

The following copyright notice appears on the website, which could give a clue to the website creators: © 2008

Mygazines.com 

Click here to hide the route map (more info)

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a guessed location.



- **⊡** Click here to show information on each hop along the route (more info)
- ☐ Click here to hide further owner details (more info)

#### **Network Owner Information**

The following information refers to the network on which this system lies. This is useful information because it describes who you need to report to if someone on their network has been abusive. (How to effectively report network abuse)

- % This is the RIPE Whois query server #3.
- % The objects are in RPSL format.
- %
- % Rights restricted by copyright.
- % See http://www.ripe.net/db/copyright.html
- % Note: This output has been filtered.
- % To receive output for a database update, use the "-
- B" flag.
- % Information related to '88.80.2.0 88.80.7.255'

#### **Domain Owner Information**

The following information describes the organization or individual who registered the domain name **prq.se**. There can be many domain contacts however Corporate and Administrator are usually the best contact references.

- # Copyright (c) 1997- .SE (The Internet Infrastructure Foundation).
- # All rights reserved.
- # The information obtained through searches, or otherwise, is protected
- # by the Swedish Copyright Act (1960:729) and international conventions.
- # It is also subject to database protection according to the Swedish
- # Copyright Act.

inetnum: 88.80.2.0 - 88.80.7.255

netname: PRQ-NET-COLO descr: prg Inet POP STH3

descr: Co-located customer servers

country: SE

admin-c: pIN7-RIPE tech-c: pIN7-RIPE status: ASSIGNED PA mnt-by: MNT-PRQ source: RIPE # Filtered

role: prq Inet NOC address: prq Inet

Box 1206

SE 11479 Stockholm

Sweden

phone: +46 (0)8 50003150

remarks: !! Abuse reports should ONLY be sent to

abuse@prg.se!!

remarks: !! Do NOT call unless it's very urgent !! admin-c: PW1115-RIPE

tech-c: PW1115-RIPE nic-hdl: pIN7-RIPE mnt-by: MNT-PRQ source: RIPE # Filtered

abuse-mailbox: abuse@prg.se

# Any use of this material to target advertising or

# similar activities is forbidden and will be prosecuted.

# If any of the information below is transferred to a

third

# party, it must be done in its entirety. This server

must

# not be used as a backend for a search engine.

# Result of search for registered domain names under

# the .SE top level domain.

# The data is in the UTF-8 character set and the result

# printed with eight bits.

state: active domain: prq.se

holder: frenei0702-00003

admin-c: tech-c: billing-c: -

created: 2004-06-14 modified: 2008-06-14 expires: 2009-06-14

nserver: a.ns.prq.se 88.80.8.2 nserver: ns1.prg.se 194.145.251.1 dnssec: unsigned delegation

status: ok

Click here to show the analysis of the system's applications (more info)

Visual IP Trace 4.0c Copyright © Visualware, Inc. 2008

# **EXHIBIT 18**

LAWYERS



# Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAL WASHINGTON, D.C.

LANCE KOONCE
DIRECT (212) 603-6467
lancekoonce@dwt.com

1633 BROADWAY NEW YORK, NY 10019-6708 TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

August 8, 2008

### BY EMAIL AND OVERNIGHT/INTERNATIONAL MAIL

PRQ INET Box 1206 SE 11479 Stockholm Sweden

Email: <u>abuse@prq.se</u>

Re: Copyright Infringement by Mygazines.com

To Whom It May Concern:

We write as counsel for Time Inc., The McGraw-Hill Companies, Inc., Condé Nast Publications, Hearst Corporation, American Media, Inc., Hachette Filipacchi Media U.S., Inc., Bauer Publishing Group, Reed Business Information, Source Interlink Magazines, LLC, Bonnier Corporation and Newsweek, Inc. (collectively, the "Publishers") with regard to the Mygazines.com web site (the "Infringing Website"), for which we believe you are providing hosting services. It has come to the Publishers' attention that the owners of this Infringing Website are distributing and displaying unauthorized copies of a number of the Publishers' magazines, in clear violation of the U.S. Copyright Act and other applicable laws. Indeed, it does not appear that any of the magazines (regardless of publisher) that are available on this website are authorized reproductions, but rather all appear to be infringements. This is to put you on notice that this ongoing blatant copyright and trademark infringement is causing significant harm to the Publishers' businesses, the majority of whom are based in New York. In light of the above, we demand that you immediately disable access to the Infringing Website or, at a minimum, block access specifically to the magazines published by the Publishers. Attached as an exhibit to this letter are the specific magazine issues in question. We are attempting to contact the owner of the Infringing Website directly as well.

The works that Mygazines.com is displaying on the Infringing Website are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Those works may only be published, reproduced, distributed and displayed by the

PRQ INET August 8, 2008 Page -2-



respective publisher, or pursuant to the respective publisher's permission, and only the publisher may authorize the creation of derivative works based on its copyrighted content in its magazines. The use of the Publishers' magazines in connection with the Infringing Website constitutes a blatant violation of the copyright laws. The use of the Publishers' magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of the Publishers' rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of the Publishers that, no later than the close of business August 11, 2008, you (1) disable the Infringing Website or the specific URLS set forth in the attached list; and (2) certify in writing to the undersigned that you have complied with the above request.

This letter also constitutes the Publishers' notice, as required under 17 U.S.C. § 512(c)(3)(A) and to the extent applicable here, that our clients have a good faith belief that the reproduction, display, and distribution of these works on the above-referenced website is not authorized by the Publishers and infringes the Publishers' intellectual property rights in these works. The Copyright Act requires internet service providers to remove or disable access to the infringing material or otherwise respond to this notice promptly. If you fail to do so, you may be liable for damages and injunctive relief as appropriate. I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of the Publishers, owners of the rights infringed by the above-referenced Website.

You may contact me at the address, email address and telephone number listed above.

The foregoing is written without waiver of or prejudice to the rights of the Publishers, all of which are expressly reserved.

Very truly yours,

Lance Koonce

LHK/lp Enclosure 

# American Media, Inc.

Publication Name	Date
Country Weekly	May 11,2008
Country Weekly	June 16,2008
Country Weekly	June 30,2008
Country Weekly	July 14,2008
Country Weekly	July 28,2008
Country Weekly	August 11,2008
Fit Pregnancy	June 1, 2008
Fit Pregnancy	August 1, 2008
Flex	June 1, 2008

# Bauer

<b>Publication Name</b>	Date
In Touch	7/7/08
In Touch	7/14/08
In Touch	7/21/08
In Touch	7/28/08
In Touch	8/4/08
In Touch	8/11/08
In Touch	8/18/08
J-14	September 2008
J-14	August 2008
M	August 2008
QuizFest	August 2008
Woman's World	7/7/08
Woman's World	7/14/08
Woman's World	7/21/08
Woman's World	7/28/08
Woman's World	8/4/08
Woman's World	8/11/08
Yikes	July 2008

# Bonnier Corp.

Publication Name	Date
9Frames (Transworld Skateboarding special issue)	June 1905
Babytalk	Spring 2008
Cruising World	July 2008
Motor Boating	August 2008
Outdoor Life	May 2008
Outdoor Life	June 2008
Parenting	June 2008
Parenting	August 2008
Popular Science	May 2008
Popular Science	June 2008
Popular Science	August 2008
Saveur	January 2006
Saveur	March 2006
Saveur	July 2008
Saveur	September 2008
Transworld Skateboarding	May 2008
Transworld Skateboarding	August 2008
Transworld Snowboarding	September 2008
Transworld Surf	September 2008
Yachting	July 2008
Yachting	August 2008

### **Conde Nast**

Document 19-9

**Publication Name** Date June 2008 Allure Allure July 2008 Allure August 2008 January 2007 **Architectural Digest Architectural Digest** February 2007 March 2007 **Architectural Digest Architectural Digest** April 2007 **Architectural Digest** May 2007 Architectural Digest June 2007 Architectural Digest September 2007 **Architectural Digest** October 2007 **Architectural Digest** November 2007 **Architectural Digest** May 2008 **Architectural Digest** July 2008 Architectural Digest August 2008 Bon Appetit June 2008 Bon Appetit July 2008 Bon Appetit August 2008 **Brides** July 2008 Conde Nast Traveler July 2008 Conde Nast Traveler August 2008 January 2006 **Details** June 2008 Details August 2008 **Details** Domino June 2008 Domino July 2008 Domino August 2008 May 2008 June 2008

Glamour Glamour August 2008 Glamour Gormet July 2008 August 2008 Gormet House & Garden May 2008 June 2008 House & Garden June 2008 Lucky Lucky August 2008 Modern Bride June 2008 Modern Bride August 2008 Self June 2008 July 2008 Self Self August 2008 Teen Vogue June 2008 Teen Vogue August 2008 The New Yorker April 28, 2008 The New Yorker May 5, 2008 The New Yorker May 12, 2008 May 19, 2008 The New Yorker May 26, 2008 The New Yorker June 2, 2008 The New Yorker June 23, 2008 The New Yorker June 30, 2008 The New Yorker

# **Conde Nast**

Publication Name	Date
The New Yorker	July 7, 2008
The New Yorker	July 14, 2008
The New Yorker	July 21, 2008
The New Yorker	July 28, 2008
The New Yorker	August 4, 2008
The New Yorker	June 6&19, 2008
Vanity Fair	June 2008
Vanity Fair	July 2008
Vanity Fair	August 2008
Vogue	June 2008
Vogue	July 2008
Vogue	August 2008
W	August 2008
Wired	October 2004
Wired	January 2006
Wired	January 2008
Wired	February 2008
Wired	March 2008
Wired	April 2008
Wired	May 2008
Wired	June 2008
Wired	July 2008
Wired	August 2008

# Hachette Filipacchi Media U.S., Inc.

**Publication Name** July 2008 **BOATING BOATING** August 2008 July 2008 **CAR AND DRIVER** August 2008 CAR AND DRIVER CAR AND DRIVER September 2008 January 2006 **ELLE DECOR** March 2006 **ELLE DECOR** July 2008 **ELLE DECOR** August 2008 **ELLE DECOR** February 2006 **ELLE GIRL** March 2006 **ELLE GIRL** July 2008 ELLE U.S.

July 2008 (Hachette Filipacchi Medias) **ELLE UK** 

June 2008 HOME July 2008 **HOME** June 2008 METROPOLITAN HOME July 2008 METROPOLITAN HOME June 2008 POPULAR PHOTOGRAPHY August 2008 POPULAR PHOTORAPHY June 2008 **ROAD & TRACK** August 2008 **ROAD & TRACK** September 2008 **ROAD & TRACK** 

July 2008 **SOUND & VISION** 

#### **Hearst**

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7

**Publication Name** Date June 2008 Cosmogir!! July 2008 Cosmogirl! September 2008 Cosmogirl! July 2008 Cosmopolitan August 2008 Cosmopolitan Cosmopolitan June 2008 \* Summer 2008 Cosmopolitan Style and Beauty Issue June 2008 Country Living Country Living July 2008 August 2008 Country Living June 2008 **Esquire** July 2008 Esquire August 2008 **Esquire** July 2008 Good Housekeeping August 2008 Good Housekeeping Good Housekeeping June 2008 \* September 2007 Harper's Bazaar June 2008 Harper's Bazaar July 2008 Harper's Bazaar August 2008 Harper's Bazaar May 2008, Harper's Bazaar House Beautiful August 2007 August 2008 House Beautiful July 2008 \* House Beautiful July 2008 Marie Claire August 2008 Marie Claire June 2008 \* Marie Claire May 2008 \* Marie Claire June 2008 O The Oprah Magazine O The Oprah Magazine July 2008 August 2008 O The Oprah Magazine June 2008 Popular Mechanics August 2008 Popular Mechanics June 2008 Redbook July 2008 Redbook August 2008 Redbook June 2008 Seventeen August 2008 Seventeen June 2008 SmartMoney July 2008 SmartMoney August 2008 **SmartMoney** June 2008 Town & Country August 2008 Town & Country August 2008 Veranda

#### Note

<sup>\*</sup> Two entries for indicated issue; one may be a foreign edition.

# **Newsweek and Budget Travel**

Publication Name	Date
Arthur Frommer's Budget Travel	July 2008
Newsweek	5/5/08
Newsweek	5/12/08
Newsweek	6/16/08
Newsweek	6/23/08
Newsweek	6/30/08
Newsweek	7/07/08
Newsweek	7/21/08
Newsweek	7/28/08
Newsweek	8/04/08

## **Reed Business Information**

**Publication Name** Date

Interior Design June 2005 Interior Design May 2008 Interior Design June 2008

Variety July 21-27, 2008 June 30-July 13, 2008

Variety

# **Source Interlink Magazines**

	Date
4 WHEEL & OFF ROAD	July 2008
4 WHEEL & OFF ROAD	September 2008
4 WHEEL & OFF ROAD	October 2008
ATV RIDER	July 2008
ATV RIDER	August 2008
ATV RIDER	September 2008
AUTOMOBILE	June 2008
AUTOMOBILE	July 2008
AUTOMOBILE	August 2008
AUTOMOBILE	September 2008
CAR CRAFT	September 2008
DIRT RIDER	July 2008
DIRT RIDER	September 2008
FOUR WHEELER	June 2008
FOUR WHEELER	
	August 2008
FOUR WHEELER	September 2008
HOT ROD	August 2008
HOT ROD	September 2008
MOTOR TREND	June 2008
MOTOR TREND	July 2008
MOTOR TREND	August 2008
MOTOR TREND	September 2008
MOTORCYCLIST	July 2008
MOTORCYCLIST	August 2008
MOTORCYCLIST RETRO	Spring 2008
PMY	July 2008
POWER MOTOR YACHT	August 2008
READERS RIGS	Summer 2008
SOAP OPERA DIGEST	July 29, 2007
SOAP OPERA DIGEST	May 13, 2008
SOAP OPERA DIGEST	May 20, 2008
SOAP OPERA DIGEST	May 27, 2008
SOAP OPERA DIGEST	June 10, 2008
SOAP OPERA DIGEST	June 17, 2008
SOAP OPERA DIGEST	June 24, 2008
SOAP OPERA DIGEST	July 1, 2008
SOAP OPERA DIGEST	July 8, 2008
SOAP OPERA DIGEST	July 15, 2008
SOAP OPERA DIGEST	July 22, 2008
SOAP OPERA DIGEST	August 5, 2008
	•
SOAP OPERA MEEKLY	August 12, 2008
SOAP OPERA WEEKLY	May 13, 2008
SOAP OPERA WEEKLY	May 20, 2008
SOAP OPERA WEEKLY	May 27, 2008
SOAP OPERA WEEKLY	June 10, 2008
SOAP OPERA WEEKLY	June 17, 2008
SOAP OPERA WEEKLY	June 24, 2008
SOAP OPERA WEEKLY	July 1, 2008
SOAP OPERA WEEKLY	July 8, 2008
SOAP OPERA WEEKLY	July 15, 2008
SOAP OPERA WEEKLY	July 22, 2008

Case 1:08-cv-07392-WHP Document 19-9 Filed 08/27/2008 Page 19 of 42

## **Source Interlink Magazines**

Publication Name
SOAP OPERA WEEKLY

Date
July 29, 2008

SOAP OPERA WEEKLY
SOAP OPERA WEEKLY
SOAP OPERA WEEKLY
August 12, 2008

SOAP OPERA WEEKLY August 12, 2008

## Time

Publication Name	Date
Business 2.0	April 2007
Business 2.0	May 2007
Coastal Living	June 2008
Coastal Living	July 2008
Cooking Light	June 2008
Cooking Light	July 2008
Cooking Light	August 2008
Decanter	July 2008
Entertainment Weekly	June 20, 2008
Entertainment Weekly	June 27, 2008
Entertainment Weekly	July 11, 2008
Entertainment Weekly	July 18, 2008
Entertainment Weekly	July 25, 2008
Entertainment Weekly	August 1, 2008
Entertainment Weekly	August 8, 2008
Essence	July 2008
Essence	August 2008
Fortune	July 7, 2008
Fortune 500	May 5, 2008
Fortune Small Business	May 2007
Fortune Special Investors Issue	2008
Golf	September 2008
Golf	August 2008
Golf	June 2008
Golf Monthly	July 2008
Health	June 2008
Health	July 2008
Homes & Gardens	August 2007
Homes & Gardens	June 2008
Homes & Gardens	July 2008
In Style	July 2008
In Style	August 2008
In Style (UK)	May 2008
In Style (UK)	July 2008
In Style (UK/USA)	June 2008
In Style (UK/USA)	July 2008
Marie Claire (UK)	July 2008
Money	August 2008
Money	June 2008
People	May 26, 2008
People	June 2, 2008
People	June 16, 2008
People	June 23, 2008
People	June 30, 2008
People	July 7, 2008
People	July 14, 2008
People	July 21, 2008
People	July 28, 2008
People	August 4, 2008
People	August 11, 2008
People	August 18, 2008
i copie	August 10, 2000

# Time

Publication Name	Date
People Child Stars	Summer 2008
People en Espanol	July 2008
People en Espanol	August 2008
People Style Watch	June 2008
Real Simple	June 2008
Real Simple	July 2008
Real Simple	August 2008
Southern Accents	July 2008
Southern Living	June 2008
Southern Living	July 2008
Southern Living	August 2008
Sports Illustrated	May 12, 2008
Sports Illustrated	May 19, 2008
Sports Illustrated	June 2, 2008
Sports Illustrated	June 16, 2008
Sports Illustrated	June 23, 2008
Sports Illustrated	June 30, 2008
Sports Illustrated	July 7, 2008
Sports Illustrated	July 14, 2008
Sports Illustrated	July 28, 2008
Sports Illustrated For Kids	June 2008
Sports Illustrated For Kids	July 2008
Sports Illustrated For Kids	August 2008
This Old House	July 2008
Time	May 12, 2008
Time	May 19, 2008
Time	June 2, 2008
Time	June 9, 2008
Time	June 16, 2008
Time	June 23, 2008
Time	July 7, 2008
Time	July 14, 2008
Time Time	July 21, 2008
	July 28, 2008
Time	August 4, 2008

# EXHIBIT 19

# **Visual IP Trace Report**

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website |
Purchase Visual IP Trace

# Identification Report for img1.mygazines.com

Computer <u>img1.mygazines.com</u> has been found. It is probably located in or around **Markham, ON, Canada** as this is where the organization or individual who manages the system is located.

This system is a web server (click here for details).

**Network Contact Information:** The following details refer to the network that the system is on.

<u>A</u> (

Cybernet Communications Inc.

20 Amber Street, Unit 16 Markham ON L3R-5P4 CA

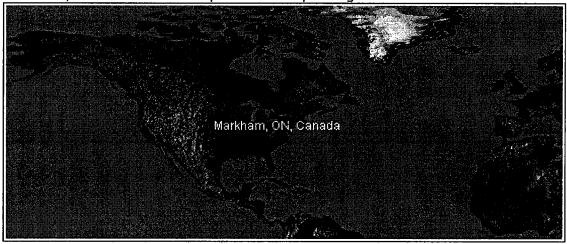
**Domain Contact Information:** The following details refer to a name registered for this address.

Page 1 of 3

<u>bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net</u>

☐ Click here to hide the route map (more info)

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a guessed location.



- Click here to show information on each hop along the route (more info)
- ☐ Click here to hide further owner details (more info)

#### **Network Owner Information Domain Owner Information** The following information refers to the network on The following information describes the organization which this system lies. This is useful information or individual who registered the domain name null. because it describes who you need to report to if There can be many domain contacts however someone on their network has been abusive. (How to Corporate and Administrator are usually the best effectively report network abuse) contact references. --- #YAML:1.0 OrgName: Cybernet Communications Inc. # GANDI Registrar whois database for .COM, .NET, OrgID: CYBER-23 .ORG., .INFO, .BIZ, .NAME Address: 20 Amber Street, Unit 16

Visual IP Trace Report Case 1:08-cv-07392-WHP Page 2 of 3 Page 24 of 42 Document 19-9 Filed 08/27/2008

City: Markham StateProv: ON

PostalCode: L3R-5P4

Country: CA

NetRange: 209.222.48.0 - 209.222.63.255

CIDR: 209.222.48.0/20 NetName: CYBERNET001

NetHandle: NET-209-222-48-0-1

Parent: NET-209-0-0-0-0 NetType: Direct Allocation NameServer: NS.CYBRNET.NET NameServer: NS2.CYBRNET.NET

Comment:

RegDate: 2005-04-12 Updated: 2005-04-12

RTechHandle: NOC1701-ARIN

RTechName: Network Operations Center

RTechPhone: +1-416-410-2180 RTechEmail: noc@mycybernet.net

OrgTechHandle: NOC1701-ARIN

OrgTechName: Network Operations Center

OrgTechPhone: +1-416-410-2180 OrgTechEmail: noc@mycybernet.net

# ARIN WHOIS database, last updated 2008-08-16

# Enter ? for additional hints on searching ARIN's

WHOIS database.

# Access and use restricted pursuant to French law on personal data.

# Copy of whole or part of the data without permission from GANDI

# is strictly forbidden.

# The sole owner of a domain is the entity described in the relevant

# 'domain:' record.

# Domain ownership disputes should be settled using

ICANN's Uniform Dispute

# Resolution Policy: http://www.icann.org/udrp/udrp.htm

# For inquiries about 'by policy' protection, please

check directly

# with the appropriate registry (Eurid, AFNIC)

# Acces et utilisation soumis a la legislation francaise

# les donnees personnelles.

# Copie de tout ou partie de la base interdite sans

autorisation de GANDI.

# Le possesseur d'un domaine est l'entite decrite dans

# l'enregistrement 'domain:' correspondant.

# Un desaccord sur la possession d'un nom de

domaine peut etre resolu

# en suivant la Uniform Dispute Resolution Policy de

l'ICANN:

# http://www.icann.org/udrp/udrp.htm

# Pour obtenir les informations en status 'Protected by

policy', contactez

# directement le registre concerne (Eurid, AFNIC)

# 2008-08-17 23:08:21 CEST

domain: mygazines.com

reg\_created: 2006-10-14 07:20:04 expires: 2013-10-14 07:20:04 created: 2008-06-17 05:55:49 changed: 2008-07-24 21:12:40

transfer-prohibited: yes ns0: a.dns.gandi.net ns1: b.dns.gandi.net ns2: c.dns.gandi.net

owner-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

admin-c:

nic-hdl: JS3604-GANDI

owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

tech-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

bill-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

⊞ Click here to show the analysis of the system's applications (more info)

Visual IP Trace 4.0c Copyright © Visualware, Inc. 2008



## Visual IP Trace Report

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website | Purchase Visual IP Trace

## Identification Report for img2.mygazines.com

Computer img2.mygazines.com has been found. It is probably located in or around Markham, ON, Canada as this is where the organization or individual who manages the system is located.

This system is a web server (click here for details).

**Network Contact Information:** The following details refer to the network that the system is on.

Cybernet Communications Inc.

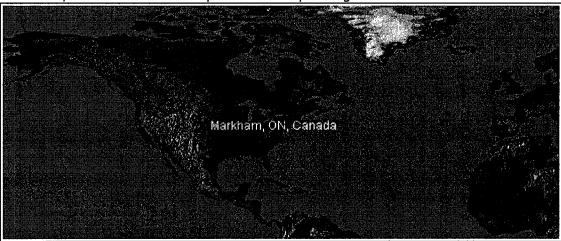
20 Amber Street, Unit 16 Markham ON L3R-5P4 CA

**Domain Contact Information:** The following details refer to a name registered for this address.

bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net

Click here to hide the route map (more info)

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a guessed location.



- Click here to show information on each hop along the route (more info)
- Click here to hide further owner details (more info)

#### **Network Owner Information Domain Owner Information** The following information refers to the network on The following information describes the organization which this system lies. This is useful information or individual who registered the domain name **null**. because it describes who you need to report to if There can be many domain contacts however someone on their network has been abusive. (How to Corporate and Administrator are usually the best effectively report network abuse) contact references. --- #YAML:1.0 OrgName: Cybernet Communications Inc. # GANDI Registrar whois database for .COM, .NET, OrgID: CYBER-23 .ORG., .INFO, .BIZ, .NAME Address: 20 Amber Street, Unit 16

City: Markham StateProv: ON

PostalCode: L3R-5P4

Country: CA

NetRange: 209.222.48.0 - 209.222.63.255

CIDR: 209.222.48.0/20 NetName: CYBERNET001

NetHandle: NET-209-222-48-0-1

Parent: NET-209-0-0-0 NetType: Direct Allocation NameServer: NS.CYBRNET.NET NameServer: NS2.CYBRNET.NET

Comment:

RegDate: 2005-04-12 Updated: 2005-04-12

RTechHandle: NOC1701-ARIN

RTechName: Network Operations Center

RTechPhone: +1-416-410-2180 RTechEmail: noc@mycybernet.net

OrgTechHandle: NOC1701-ARIN

OrgTechName: Network Operations Center

OrgTechPhone: +1-416-410-2180 OrgTechEmail: noc@mycybernet.net

# ARIN WHOIS database, last updated 2008-08-16

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# Resolution Policy: http://www.icann.org/udrp/udrp.htm

# For inquiries about 'by policy' protection, please

check directly

# with the appropriate registry (Eurid, AFNIC)

# Acces et utilisation soumis a la legislation française

# les donnees personnelles.

# Copie de tout ou partie de la base interdite sans

autorisation de GANDI.

# Le possesseur d'un domaine est l'entite decrite dans

# l'enregistrement 'domain:' correspondant.

# Un desaccord sur la possession d'un nom de

domaine peut etre resolu

# en suivant la Uniform Dispute Resolution Policy de

l'ICANN:

# http://www.icann.org/udrp/udrp.htm

# Pour obtenir les informations en status 'Protected by

policy', contactez

# directement le registre concerne (Eurid, AFNIC)

# 2008-08-17 23:08:21 CEST

domain: mygazines.com

reg\_created: 2006-10-14 07:20:04 expires: 2013-10-14 07:20:04 created: 2008-06-17 05:55:49 changed: 2008-07-24 21:12:40

transfer-prohibited: yes ns0: a.dns.gandi.net ns1: b.dns.gandi.net ns2: c.dns.gandi.net

owner-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

admin-c:

nic-hdl: JS3604-GANDI

owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

tech-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

bill-c:

nic-hdl: JS3604-GANDI owner-name: Salveo Limited organisation: Salveo Limited

person: John Smith address: Mitchell House zipcode: P.O. Box 17 city: The Valley country: Anguilla

phone: +40.312249340

fax: "

email: bfe208793ab0c712897e0aba7fdd8296-

839400@contact.gandi.net

lastupdated: 2008-07-12 16:13:41

+ Click here to show the analysis of the system's applications (more info)

Visual IP Trace 4.0c Copyright © Visualware, Inc. 2008



## Visual IP Trace Report

How to Report Network Abuse | Visual IP Trace Manual | FAQ | Visualware Home | Visual IP Trace Website | Purchase Visual IP Trace

## Identification Report for img3.mygazines.com

Computer img3.mygazines.com has been found. It is probably located in or around Toronto, ON, Canada as this is where the organization or individual who manages the system is located.

This system is a web server (click here for details).

**Network Contact Information:** The following details refer to the network that the system is on.



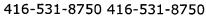
SwitchWorks Technologies Inc.

23 Triller Avenue Toronto ON M6K-3B7 CA

**Domain Contact Information:** The following details refer to a name registered for this address.



Switchworks Technologies Inc.





Click here to hide the route map (more info)

The following map shows the route between you and the entity to which you traced. A solid line represents a hop to a known location, and a dotted line represents a hop to a guessed location.



- Click here to show information on each hop along the route (more info)
- Click here to hide further owner details (more info) Θ

#### **Network Owner Information Domain Owner Information** The following information refers to the network on The following information describes the organization which this system lies. This is useful information or individual who registered the domain name because it describes who you need to report to if switchworks.net. There can be many domain someone on their network has been abusive. (How to contacts however Corporate and Administrator are effectively report network abuse) usually the best contact references. Registrant: OrgName: SwitchWorks Technologies Inc. Switchworks Technologies Inc. OraID: SWITC-3 23 Triller Avenue,

Address: 23 Triller Avenue

City: Toronto StateProv: ON

PostalCode: M6K-3B7

Country: CA

ReferralServer: rwhois://rwhois.whip.ca:4321

NetRange: 204.15.184.0 - 204.15.191.255

CIDR: 204.15.184.0/21

NetName: WHIP

NetHandle: NET-204-15-184-0-1

Parent: NET-204-0-0-0 NetType: Direct Allocation

NameServer: NS1.SWITCHWORKS.NET NameServer: NS2.SWITCHWORKS.NET

Comment:

RegDate: 2005-09-19 Updated: 2005-10-10

RTechHandle: ALA39-ARIN RTechName: Laing, Adam RTechPhone: +1-416-531-8750

RTechEmail: adlaing@switchworks.com

OrgTechHandle: ALA39-ARIN
OrgTechName: Laing, Adam

OrgTechPhone: +1-416-531-8750

OrgTechEmail: adlaing@switchworks.com

# ARIN WHOIS database, last updated 2008-08-16

19:10

# Enter ? for additional hints on searching ARIN's

WHOIS database.

Toronto, ON M6K 3B7

CA

Domain name: SWITCHWORKS.NET

Administrative Contact: Laing, Adam adlaing@whip.ca

23 Triller Avenue, Toronto, ON M6K 3B7

CA

416-531-8750 Technical Contact:

Laing, Adam adlaing@whip.ca

23 Triller Avenue, Toronto, ON M6K 3B7

CA

416-531-8750

Registration Service Provider:

Look Communications Inc. / Easyhosting.com,

support@look.ca 1-800-356-5665

This company may be contacted for domain

login/passwords,

DNS/Nameserver changes, and general domain

support questions.

Registrar of Record: TUCOWS, INC. Record last updated on 11-Dec-2007. Record expires on 15-Dec-2008. Record created on 15-Dec-1999.

Registrar Domain Name Help Center:

http://domainhelp.tucows.com

Domain servers in listed order: NS1.SWITCHWORKS.NET 209.222.63.132 NS2.SWITCHWORKS.NET 204.15.184.68

Domain status: ok

The Data in the Tucows Registrar WHOIS database is provided to you by Tucows for information purposes only, and may be used to assist you in obtaining information about or related to a domain name's

registration record.

Tucows makes this information available "as is," and does not guarantee its accuracy.

By submitting a WHOIS query, you agree that you will use this data only for lawful purposes and that, under no circumstances will

you use this data to:

a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass, unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that

send queries or data to the systems of any Registry

Operator or ICANN-Accredited registrar, except as reasonably necessary to register

domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy.

Tucows reserves the right to modify these terms at any time.

By submitting this query, you agree to abide by these terms.

NOTE: THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

Click here to show the analysis of the system's applications (more info)

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Rick Ross - LinkedIn Case 1:08-cv-07392-WHP Document 19-9 Filed 08/27/2008 Page 33 of 42 Page 1 of 1

## Rick Ross

Owner, SwitchWorks-Cybernet

Toronto, Canada Area

Current

• President at SwitchWorks Technologies Inc.

• Owner at SwitchWorks-Cybernet

**Education** 

University of Toronto

Connections

13 connections

Industry

Internet

**Websites** 

My Company

My Company

My Company

## **Rick Ross's Experience**

## **President**

SwitchWorks Technologies Inc.

(Privately Held; 11-50 employees; Internet industry)

June 1988 — Present (20 years 3 months)

SwitchWorks has evolved to become an incubator organization focused on the development of next generation Internet companies like those highlighted above in the "My Company" web links.

#### **Owner**

SwitchWorks-Cybernet

(Privately Held; 11-50 employees; Internet industry)

June 1988 — Present (20 years 3 months)

## **Rick Ross's Education**

**University of Toronto** 

BaSc and Eng., Engineering Science-Computer Science

## **Additional Information**

Rick Ross's Websites:

My Company

My Company

My Company

LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

LANCE KOONCE
DIRECT (212) 603-6467
lancekoonce@dwt.com

1633 BROADWAY NEW YORK, NY 10019-6708 TEL (212) 489-8230 FAX (212) 489-8340

www.dwt.com

August 1, 2008

## BY EMAIL AND OVERNIGHT MAIL

SwitchWorks Technologies Inc. 23 Triller Avenue Toronto, Ontario M6K-3B7 Canada

Email: sales@switchworks.com

Re: Copyright Infringement by Mygazines.com

To Whom It May Concern:

We write as counsel to Time Inc. and IPC Media ("Time") with regard to a website located at www.mygazines.com, www5.mygazines.com, www6.mygazines.com and www7.mygazines.com (collectively, the "Infringing Website"), for which we believe SwitchWorks Technologies Inc. ("SwitchWorks") is providing website hosting. It has come to our client's attention that the owners of this Infringing Website are distributing and displaying unauthorized copies of a number of Time's magazines, in clear violation of the U.S. Copyright Act and other applicable laws. Indeed, it does not appear that any of the magazines (regardless of publisher) that are available on this website are authorized reproductions, but rather all appear to be infringements. In light of the above, we demand that you immediately disable access to the Infringing Website or, at a minimum, block access specifically to the magazines published by Time. We are attempting to contact the owner of the Infringing Website directly as well.

SwitchWorks should be aware that it is the fifth host for the Infringing Website within a timespan of less than two weeks. Previous web site hosts have agreed to cease hosting the Infringing Website after third party publishers complained that the Infringing Website was being used to violate copyright law on a massive scale.

The Infringing Website currently makes available to users full reproductions of the following magazines published by Time: Time, Entertainment Weekly, Essence, Fortune 5(11), Fortune Special Investors Issue, Golf, In Style, Money, People, People en Espanol, People Child Stars, People Style Watch, Real Simple, Sports Illustrated, Sports Illustrated For Kids, This Old House, Coastal Living, Cooking Light, Health, Southern Accents, Southern Living, Decanter,

Best Hosting New World Telecom August 1, 2008 Page -2-



Golf Monthly, Homes & Gardens, In Style (UK), and Marie Claire (UK). In many cases, issues of each magazine for different weeks or months are available. For example, for People, all four weekly issues from June and July 2008 are posted on the Infringing Website, as well as one weekly issue from May 2008. Attached as an exhibit to this letter are the specific URLs for each magazine file in question.

The works that Mygazines.com is displaying on the Infringing Website are subject to valid and subsisting copyright protection in the United States, as well as under the laws of other countries. Those works may only be published, reproduced, distributed and displayed by Time, or pursuant to Time's permission, and only Time may authorize the creation of derivative works based on its copyrighted content in its magazines. The use of Time's magazines in connection with the Infringing Website constitutes a blatant violation of the copyright laws. The use of our client's magazines, including the titles and covers thereof, to advertise or promote the Infringing Website, may also constitute a violation of our client's rights under the Lanham Act and applicable state laws.

Accordingly, we hereby demand on behalf of our client that, no later than the close of business August 6, 2008, you (1) disable the Infringing Website or the specific URLs set forth in the attached list; and (2) certify in writing to the undersigned that you have complied with the above request.

This letter also constitutes our clients' notice, as applicable, under 17 U.S.C. § 512(c)(3)(A), that Time has a good faith belief that the reproduction, display, and distribution of these works on the above-referenced website is not authorized by Time and infringes Time's intellectual property rights in these works. The U.S. Copyright Act requires internet service providers that are subject to its provisions to remove or disable access to the infringing material or otherwise respond to a notice such as this one promptly. Failing to do so may render an ISP liable for damages and injunctive relief as appropriate. I certify that the information I have provided is accurate and that, under penalty of perjury, I am authorized to act on behalf of Time, owner of the rights infringed by the above-referenced Website.

You may contact me at the address, email address and telephone number listed above.

The foregoing is written without waiver of or prejudice to the rights of our client, all of which are expressly reserved.

Very truly yours,

Lance Koonce

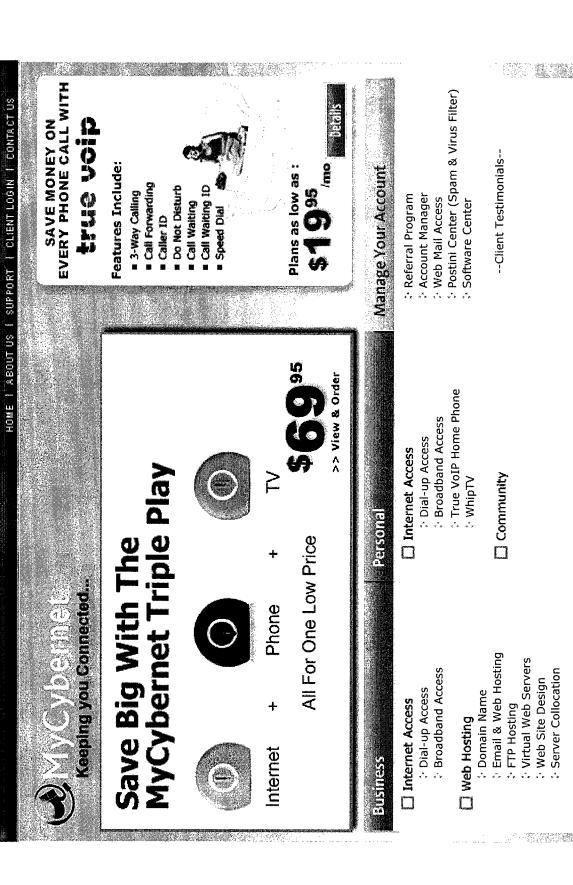
LHK/lp Enclosure

B 111 41 11	D-4-	LIDI
Publication Name	Date	URL
Entertainment Weekly	July 25, 2008	http://www7.mygazines.com/magazines/view/794
Entertainment Weekly	July 18, 2008	http://www7.mygazines.com/magazines/view/690
Entertainment Weekly	July 11, 2008	http://www7.mygazines.com/magazines/view/415
Entertainment Weekly	June 20, 2008	http://www7.mygazines.com/magazines/view/143
Entertainment Weekly	June 27, 2008	http://www7.mygazines.com/magazines/view/253
Essence	August 2008	http://www7.mygazines.com/magazines/view/613
Essence	July 2008	http://www7.mygazines.com/magazines/view/155
Fortune 500	May 5, 2008	http://www7.mygazines.com/magazines/view/497
Fortune Special Investors Issue	2008	http://www7.mygazines.com/magazines/view/273
Fortune	July 7, 2008	http://www7.mygazines.com/magazines/view/522
Golf	August 2008	http://www7.mygazines.com/magazines/view/454
Golf	June 2008	http://www7.mygazines.com/magazines/view/13
In Style	August 2008	http://www7.mygazines.com/magazines/view/786
In Style	July 2008	http://www7.mygazines.com/magazines/view/313
Money	June 2008	http://www7.mygazines.com/magazines/view/17
People	July 28, 2008	http://www7.mygazines.com/magazines/view/802
People	July 21, 2008	http://www7.mygazines.com/magazines/view/706
People	July 14, 2008	http://www7.mygazines.com/magazines/view/439
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People	June 30, 2008	http://www7.mygazines.com/magazines/view/149
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People	June 16, 2008	
People	June 2, 2008	http://www7.mygazines.com/magazines/view/23
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Sports Illustrated	July 7, 2008	http://www7.mygazines.com/magazines/view/405
Sports Illustrated	June 30, 2008	http://www7.mygazines.com/magazines/view/370
Sports Illustrated	June 23, 2008	http://www7.mygazines.com/magazines/view/198
Sports Illustrated	June 16, 2008	http://www7.mygazines.com/magazines/view/151
Sports Illustrated	June 2, 2008	http://www7.mygazines.com/magazines/view/90
Sports Illustrated	May 19, 2008	http://www7.mygazines.com/magazines/view/93
Sports Illustrated	May 12, 2008	http://www7.mygazines.com/magazines/view/91
Sports Illustrated For Kids	August 2008	http://www7.mygazines.com/magazines/view/639
Sports Illustrated For Kids	July 2008	http://www7.mygazines.com/magazines/view/349
Sports Illustrated For Kids	June 2008	http://www7.mygazines.com/magazines/view/92
This Old House	July 2008	http://www7.mygazines.com/magazines/view/344
Time	July 21, 2008	http://www7.mygazines.com/magazines/view/833
Time	July 14, 2008	http://www7.mygazines.com/magazines/view/464
Time	July 7, 2008	http://www7.mygazines.com/magazines/view/406
Time	June 23, 2008	http://www7.mygazines.com/magazines/view/199
Time	June 16, 2008	http://www7.mygazines.com/magazines/view/152
Time	June 9, 2008	http://www7.mygazines.com/magazines/view/117
Time	June 2, 2008	http://www7.mygazines.com/magazines/view/116
Time	May 19, 2008	http://www7.mygazines.com/magazines/view/118

Time	May 12, 2008	http://www7.mygazines.com/magazines/view/97
Coastal Living	July 2008	http://www7.mygazines.com/magazines/view/292
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Cooking Light	June 2008	http://www7.mygazines.com/magazines/view/56
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Southern Living	June 2008	http://www7.mygazines.com/magazines/view/89
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Homes & Gardens	June 2008	http://www7.mygazines.com/magazines/view/266
In Style (UK)	July 2008	http://www7.mygazines.com/magazines/view/630
In Style (UK)	May 2008	http://www7.mygazines.com/magazines/view/208
In Style (UK/USA)	June 2008	http://www7.mygazines.com/magazines/view/200
Marie Claire (UK)	July 2008	http://www7.mygazines.com/magazines/view/816

8/14/2008

MyCybernet High Speed Internet. Low price DSL, Business Web Hosting, Email, VOIP, Collocation



Server Collocation

8/14/2008

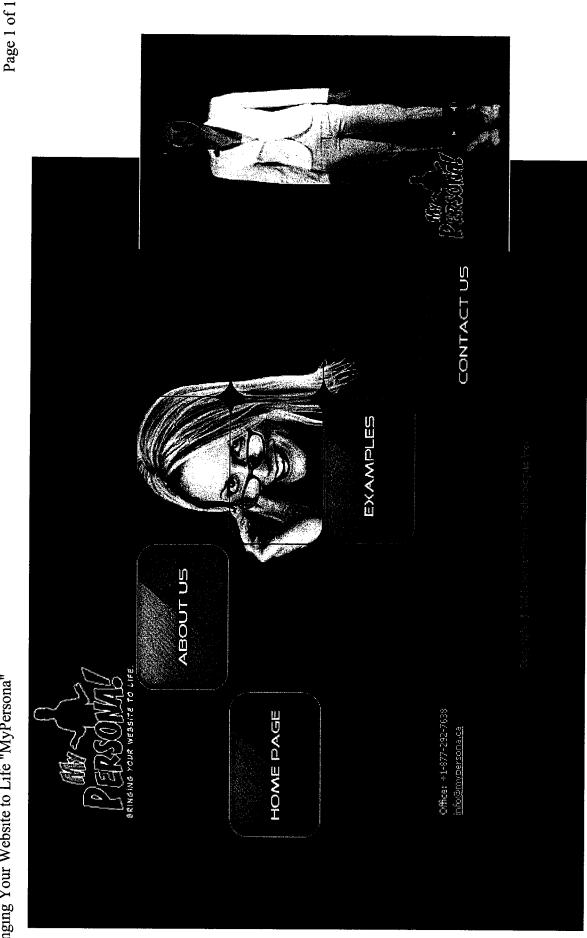
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POLICY, TERMS and CONDITIONS

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Dial-up Web Access and has been serving the North American Market since 1988. © SwitchWorks Technologies Inc.

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LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAL WASHINGTON, D.C.

LANCE KOONCE
DIRECT (212) 603-6467
lancekoonce@dwt.com

1633 BROADWAY NEW YORK, NY 10019-6708

TEL (212) 489-8230 FAX (212) 489-8340 www.dwt.com

August 6, 2008

## BY EMAIL AND OVERNIGHT/INTERNATIONAL MAIL

Cybernet Communication Inc. 20 Amber St. #16
Markham, ON L3R 5P4
Email: abuse@mycybernet.net

New World Telecom 17/F, Chevalier Commercial Centre 8 Wang Hoi Road Kowloon Bay Hong Kong

Email: nwtes@newworldtel.com

## Re: Copyright Infringement by Mygazines.com

To Whom It May Concern:

We write as counsel for Time Inc., The McGraw-Hill Companies, Inc., Condé Nast Publications, Hearst Corporation, American Media, Inc., Hachette Filipacchi Media U.S., Inc., Bauer Publishing Group, Reed Business Information, Source Interlink Magazines, LLC, Bonnier Corporation and Newsweek, Inc. with regard to the Mygazines.com web site (the "Infringing Website"), for which you are providing hosting services. You should by now be well aware that all of our clients object to the content, interactive functionality and stated purpose of the Infringing Website. To date, you have ignored demands from our clients to shut down the Infringing Website or to take down our clients' content.

This is to put you on notice that this ongoing blatant copyright and trademark infringement is continuing to cause significant harm to our clients' businesses, virtually all of whom are based in New York. We demand again, on behalf of each of the above publishers, that you shut down the Infringing Website or at a minimum take down our clients' content. This demand will not be repeated.

Cybernet Communication Inc. New World Telecom August 6, 2008 Page -2-



Page 3 of 35

The foregoing is written without waiver of or prejudice to our clients' rights, all of which are expressly reserved.

Very truly yours,

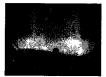
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LHK/lp Enclosure



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## Are you goir

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THE VALLEY, ANGUILLA, Jul 29 (MARKET WIRE) --Editors Note: Photos are included with this press release.

www.mygazines.com ("mygazines") officially launched the world's largest digital magazine site. mygazines is the world's first FREE website which enables its community of users to read the latest magazines.

The mygazines concept is simple, essentially it allows its members to share magazines in the same manner a doctors' office, law firm, libraries, and hair salons would with their clients every day. mygazines allows users to read, archive and upload content for everyone to read and share within the online magazine community.

This is not a new phenomenon in fact it is so common that publishers themselves promote their estimates of this "sharing" to potential advertisers. Mygazines levels the playing field in the industry, by allowing both large and small publishing houses equal access to potential readers.

mygazines was created for a myriad of reasons, including but not limited to:

- Low Carbon Footprint. With 70% of newsstand magazines going unsold, our goal is to eliminate the waste. (save the trees!)
- No unnecessary content. Allows users to access only the information that is of interest to them, without having to pay for unwanted content.
  - Efficiency. Reduces the need to physically carry and archive content.
- Universal. Allows foreign content to be available from anywhere to anyone.
- Monopoly. Eliminates the effects of conglomerates merging and controlling consumers' choice and distribution, within almost every region worldwide.

Mygazines has created a community that allows users to fully access and share all material, from all sources across the world. Some of the key benefits of mygazines are:

- Ability to create your own custom magazine (mygazines) from various articles in different magazines, and share them with other users.
  - Allows for ALL published material to be uploaded and viewed
- Receive notifications, setup by member, to receive articles of interest for various topics and at times convenient for the user. (Health/Medical topics, finance, etc)

Stored in digital format, the shelf life of any magazine is increased infinitely. Business professionals, students and people alike will appreciate the ability to quickly reference important information (search article content), no matter how current, and share it inside www.mygazines.com with whomever they wish, instantly.

mygazines is vigilant in providing the absolute best experience for the members and will be making many more positive enhancements in the very near future. The mygazines platform was designed for growth, and the possibilities are endless.

To all the artists who provide such amazing content, and the publishers who supply the media, mygazines wishes to thank you and to clarify: www.mygazines.com has full intentions to work with the industry, with the aim of fortifying the future of all those either directly or indirectly supported by the production, sales and distribution of magazines.

mygazines appreciates your support and patience while we test our model.

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"Tropic Thunder" beats Batman at the box office



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# Mygazines creator defends mag-sharing website

5 August 2008

## By Rachael Gallagher

The man behind a magazine-sharing website currently under threat of legal action from a number of leading publishing companies has said he wants to work with the industry.

The creater of Mygazines, a website where entire scanned issues of magazines from around the world are available to view in a digital format without the consent of many of the publishers, registered the website under the name John Smith. The website operator is registered in Anguilla in the Caribbean but the ISP is based in the US.

A number of UK titles including GQ, FHM, Elle and Marie Claire are included on the site and The Periodical Publishers Association has encouraged members to send legal letters to the PO Box listed in its registration, warning the site is breaching the intellectual property rights of the magazines.

In a letter to Press Gazette from the email address posted on the website, Smith said: "We have every intention of working with the industry to provide not only revenue streams that are vast, but also an answer for the publishers in general. Our method will increase current revenue, halt and reverse advertising revenue lost to the internet, and overcome the lack of the ability for magazines to stay current."

Smith said that the comparison to music website Napster was not accurate; claiming his site is similar to one magazine being read by a number of people in an office.

He said: "If our goal were to be pirates, we could have made live a number of features, including but not limited to, downloading and printing allowable to visitors and members alike.

"To compare us to other similar sites with the only difference with of us being free, is to disregard the importance of the 'mygazines' custom magazine for users, notifications, and our full ability to share on the go, across the globe instantly."

In his email he did not deny reports that he was infringing on the copyright, but said that critics are "completely missing our inactive revenue model".

He said: "We have ways of drawing revenue from a number of sources, some more obvious than others. Mygazines is hardly a pirate website with the interest of breaking the industry. Rather, we offer a paradigm shift that is far more fiscally comprehensive than meets the eye and yet easily transitionable by even the biggest publishers."

Smith said that with the co-operation of the publishers the site can "transition into the final revenue model", although he said he could not reveal the full concept of this as he is saving it for the publishers directly.

He said: "We can certainly continue to make our case and meet in the courts if need be. That seems to be the intention of the publishers as a whole. But ask yourself, to what end. Even if they are triumphant in this battle, they will lose the war."

Smith went on to claim that Mygazines is a way to "fortify the industry for all of those involved".

#### An email to Press Gazette from

Thank you for taking the time to write about Mygazines. I did however want to clear up a few misunderstandings about our site.

We will re-iterate we have every intention of working with the industry to fortify the future of magazines and the industry in general. The comparison to Napster with respect to someone driving past you with a radio on and claim that sharing, is not at all our position.

We are saying, if you were to take all of the office's in the world that purchase magazines for the sole purpose of providing entertainment for their clients, is the same as sharing. Furthermore, these offices see different people everyday, so the sharing is constant and consistent and usually includes many back dated issues as well as new. By virtue of the fact that these groups change everyday makes it like a free magazine store.

The most surprising aspect of almost every article is that they are completely missing our inactive revenue model. We have ways of drawing revenue from a number of sources, some more obvious than others. Mygazines is hardly a pirate website with the interest of breaking the industry. Rather, we offer a paradigm shift that is far more fiscally comprehensive than meets the eye and yet easily transitionable by even the biggest publishers.

The true future of the industry lies in the final stages of our site concept. We can easily transition to the final revenue model quickly with the co-operation of the publishers. We cannot however reveal the full concept at this time as we are saving that discussion for the publishing industry directly.

If our goal were to be pirates, we could have made live a number of features, including but not limited to, downloading and printing allowable to visitors and members alike.

Finally, to compare us to other similar sites with the only difference with of us being free, is to disregard the importance of the 'mygazines' custom magazine for users, notifications, and our full ability to share on the go, across the globe instantly.

As per our press release: We have every intention of working with the industry to provide not only revenue streams that are vast, but also an answer for the Publishers in general. Our method will increase current revenue, halt and reverse advertising revenue lost to the internet, and overcome the lack of the ability for magazines to stay current.

Mygazines sharing model is a solid one with lots of hidden potential revenue and demographics to appease all.

We can certainly continue to make our case and meet in the courts if need be. That seems to be the intention of the publishers as a whole. But ask yourself, to what end. Even if they are triumphant in this battle, they will lose the war. Apple already has a delivery system for digital reading via both the iphone and now ipod. Microsoft is also working to employ touch sensitivity to its products.

Our idea would work as easily for those companies due to our concept. If we were to reveal such to those corporations, they could follow the business model and succeed without the need for working with the publishers at all. That's all I can say at this point regarding our current revenue potential as well as the future model.

The competitiors have missed the boat. Even the sites that think they have come up with the future online version for magazines, they have not! Publisher friendly or not! There is a final stage missing that can't be seen unless one has the freedom to think outside of the limitations of the industry as is. In doing so, we have ironically found a way to fortify the industry for all of those involved, increase jobs and magazine selection, while cutting overhead and increasing revenue dramatically for the publishers and industry as a whole.

We cannot elaborate fully as that would be tipping the hand too much. We wish to only divulge that information to the industry directly and sooner rather than later.

As well, aren't we an interesting option for Google, Yahoo and Microsoft as the next major asset in the ads war. We can work with the industry or independently to achieve such. We prefer the former.

## **COMMENTS**

**MORE OPTIONS** 

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Latest News
The Knowledge
more...

Blogs The Wire Media Money more...

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<u> 21</u>	Groups	
31	Events	
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**Mygazines Gift!** 

CONTROL GIN!

**5** get stuff

send sent received getstuff invite

STEP 1: SELECT A CATEGORY OF MAGAZINES

Want more categories? Unlock stather category for 5 👣 s. unlock now

eas's Interests Womens's Interests Automotive Mess, Business & Money

Inbox

STEP 2: SELECT A MAGAZINE TO SEND

You correctly have 9 search results. Unlock 3 more for \$6's, which new



Men Far 2008 (IHC)











With Mygazines Gift! you can share magazines with your friends so they can read it!

Simply select a category, then a magazine, and then some friends. Unlock more selection of magazines by earning "Gazines". You earn one "G" for every share.

So start sharing - who doesn't love receiving a gift?

Facebook is providing links to these applications as a courtesy, and makes no representations regarding the applications or any information related to them. Any questions regarding an application should be directed to the developer.

#### **Discussion Board**

Displaying 1 discussion topic

Start New Topic | See All

**Reviews** 

1 post by 1 person. Updated on Jul 19, 2008 at 11:43 AM.

## **Add Application**

This application can be added to your Facebook account.

Become a Fan **Block Application** 

Share

## About this Application

4 daily active users 7% of total

Categories

Fashion, Just for Fun

This application was not developed by Facebook.

#### **About Mygazines.com**

Mygazines is a place to browse, share, archive and customize unlimited magazine articles uploaded by the Mygazines community.

## Fans

6 of 12 fans

See All







Scott Burke Nicole Mark Sean Lasko





No one has said anything...yet.

John

John Smith

Aaron Gilboe

Sakinah Nouraei

English

Mygazines.com on 2007-11-25 - Domain History

Next »

Domain:

mygazines.com - Domain History

Cache Date:

2007-11-25

Registrar:

NETWORK SOLUTIONS, LLC.

Registrant Search: Click on an email address we found in this whois record

to see which other domains the registrant is associated with:

bw3365aw4xb@networksolutionsprivateregistration.com

Registrant:

budd, darren

ATTN: MYGAZINES.COM c/o Network Solutions

P.O. Box 447

Herndon, VA. 20172-0447

Domain Name: MYGAZINES.COM

Administrative Contact, Technical Contact:

budd, darren bw3365aw4xb@networksolutionsprivateregistration.com

ATTN: MYGAZINES.COM c/o Network Solutions P.O. Box 447

Herndon, VA 20172-0447

570-708-8780

Record expires on 14-Oct-2012. Record created on 14-Oct-2006.

Database last updated on 25-Nov-2007 23:53:37 EST.

Domain servers in listed order:

NS79.WORLDNIC.COM 205.178.190.40 NS80.WORLDNIC.COM 205.178.189.40



Domain History

Domain Name: mygazines.com

Search

10 records found for mygazines.com

Red links are a privacy protected record Similar records are grouped by background color

> 2007-11-25 2008-05-01 2008-06-21 2008-07-04 2008-07-18 2008-07-20 2008-07-21 2008-07-22 2008-07-23 2008-07-24

Discontinue this Unit Service

#### **Trademark/Service Mark Application, Principal Register**

Serial Number: 77278620 Filing Date: 09/13/2007

The table below presents the data as entered.

	sents the data as entered.
Input Field	Entered
SERIAL NUMBER	77278620
MARK INFORMATION	
*MARK	MYGAZINES
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MYGAZINES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Darren Andrew Budd
*STREET	21 Mayfair Avenue
*CITY	Toronto, Ontario
*COUNTRY	Canada
*ZIP/POSTAL CODE (Required for U.S. applicants only)	M5N2N5
LEGAL ENTITY INFORMATION	
ТУРЕ	individual
COUNTRY OF CITIZENSHIP	Canada
GOODS AND/OR SERVICES AND BASIS INFORMAT	ION
*INTERNATIONAL CLASS	009
*DESCRIPTION	Computer software; computer software development tools: printed publications; electronic publications; audio and audiovisual recordings; clothing; and caps, hats, visors and bandannas; e-commerce services; market research and analysis services; web portal services; computer services; online information services; retrieval and profiling of information via networks, databases and/or the Internet; online publishing services; dissemination of advertising for others via an on-line electronic communication network; Internet retail services; creating searchable indexes of information, web sites and other information sources; search engine services; advertising for others via electronic communication networks; communication services; promoting the goods and services of others; and providing access to software and programs for use by third parties
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	1362454
FOREIGN APPLICATION COUNTRY	Canada
FOREIGN FILING DATE	09/05/2007
ATTORNEY INFORMATION	
NAME	Nancy H. Lutz

Case 1:08-cy-07392-WHP Document	19-10 Falled 08/27/2008 Page 19 of 35		
FIRM NAME	Kelley Drye & Warren LLP		
STREET	3050 K Street, NW, Suite 400		
CITY	Washington		
STATE	District of Columbia		
COUNTRY	United States		
ZIP/POSTAL CODE	20007		
PHONE	202-342-8400		
FAX	202-342-8451		
OTHER APPOINTED ATTORNEY	John N. Coulby, David R. Yohannan and David J. Ervin		
CORRESPONDENCE INFORMATION			
NAME	Nancy H. Lutz		
FIRM NAME	Kelley Drye & Warren LLP		
STREET	3050 K Street, NW, Suite 400		
CITY	Washington		
STATE	District of Columbia		
COUNTRY	United States		
ZIP/POSTAL CODE	20007		
PHONE	202-342-8400		
FAX	202-342-8451		
FEE INFORMATION			
NUMBER OF CLASSES	1 .		
FEE PER CLASS	325		
*TOTAL FEE DUE	325		
*TOTAL FEE PAID	325		
SIGNATURE INFORMATION			
SIGNATURE	/nancy h. lutz/		
SIGNATORY'S NAME Nancy H. Lutz			
SIGNATORY'S POSITION	Attorney of Record		
DATE SIGNED .	09/13/2007		

PTO Form 1478 (Rev 8/2006) ONB No. (651-6018 (Exp 69/20/2008)

#### Trademark/Service Mark Application, Principal Register

Serial Number: 77278620 Filing Date: 09/13/2007

#### To the Commissioner for Trademarks:

MARK: MYGAZINES (Standard Characters, see mark)

The literal element of the mark consists of MYGAZINES.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Darren Andrew Budd, a citizen of Canada, having an address of 21 Mayfair Avenue, Toronto, Ontario, Canada, M5N2N5, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register

International Class 009:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Canada application number, 1362454, filed 09/05/2007.15 U.S.C. Section 1126(d), as amended.

The applicant hereby appoints Nancy H. Lutz and John N. Coulby, David R. Yohannan and David J. Ervin of Kelley Drye & Warren LLP, 3050 K Street, NW, Suite 400, Washington, District of Columbia, United States, 20007 to submit this application on behalf of the applicant. The attorney docket/reference number is 764128-0603.

Correspondence Information: Nancy H. Lutz

3050 K Street, NW, Suite 400

Washington, District of Columbia 20007

202-342-8400(phone) 202-342-8451(fax)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /nancy h. lutz/ Date Signed: 09/13/2007

Signatory's Name: Nancy H. Lutz Signatory's Position: Attorney of Record

RAM Sale Number: 5748

RAM Accounting Date: 09/13/2007

Serial Number: 77278620

Internet Transmission Date: Thu Sep 13 11:39:56 EDT 2007 TEAS Stamp: USPTO/BAS-64.29.176.65-20070913113956299

073-77278620-400ef8df4ec89147ec5f8dde818 adfdd88-DA-5748-20070913094352967883 Case 1:08-cv-07392-WHP Document 19-10 Filed 08/27/2008 Page 21 of 35

# MYGAZINES

# **EXHIBIT 28**



Canadian Intellectual **Property Office** 

Français Industry

Canada

Office de la propriété intellectuelle du Canada Canadä

ic.qc.ca



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#### CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2008-07-22

**APPLICATION NUMBER:** 

**REGISTRATION NUMBER:** 

not registered

1362454 **STATUS:** 

FILED:

SEARCHED 2007-09-05

FORMALIZED:

2007-09-07

APPLICANT:

Darren Andrew Budd 21 Mayfair Avenue Toronto

M5N 2N5 **ONTARIO** 

AGENT:

**GOODMANS LLP** 

ATTN: INTELLECTUAL PROPERTY GROUP

250 YONGE STREET

**SUITE 2400** 

**TORONTO** 

ONTARIO M5B 2M6

REPRESENTATIVE FOR SERVICE:

**GOODMANS LLP** 

ATTN: INTELLECTUAL PROPERTY GROUP

250 YONGE STREET

**SUITE 2400** 

**TORONTO** 

**ONTARIO M5B 2M6** 

#### **TRADE-MARK:**

#### **MYGAZINES**

#### **INDEX HEADINGS:**

**MYGAZINES** 

#### WARES:

(1) Computer software; computer software development tools; printed publications; electronic publications; audio and audio-visual recordings; clothing; and caps, hats, visors and bandannas.

#### **SERVICES:**

(1) E-commerce services; market research and analysis services; web portal services; computer services; online information services; retrieval and profiling of information via networks, databases and/or the Internet; online publishing services; dissemination of advertising for others via an on-line electronic communication network; Internet retail services; creating searchable indexes

of information, web sites and other information sources; search engine services; advertising for others via electronic communication networks; communication services; promoting the goods and services of others; and providing access to software and programs for use by third parties.

Document 19-10

#### **CLAIMS:**

Proposed Use in CANADA.

<u>ACTION</u>	DATE	BF	COMMENTS
Filed	05 September 2007		
Created	06 September 2007		
Formalized	07 September 2007		
Translation Requested	11 September 2007	10 November 2007	
Translation Received	21 September 2007		
Search Recorded	03 April 2008		
Examiner's First Report	03 April 2008	03 August 2008	

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Last updated: 2008-07-22

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1 2 Nex

Share

Darren Budd posted a link. at 2:08am Jun 30.

Mygazines.com - upload. share. archive.

Source: www.mygazines.com

Mygazines is your free place to browse, organize, customize and archive unlimited magazine articles uploaded by you, the Mygazines community.



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Right click the button above and choose "Add to Favorites..." to add it to your Favorites so that you can quickly share content with your friends.

More details »

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Dennis Sheila Haverty posted a link.

at 12:21am Jun 27.

#### **Haverty Communications**

Source: www.HavertyCommunica...

A way to celebrate family, friends and clients.

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John Pagonis posted a link.

at 10:55am Jun 26.

Putting you in touch with all of the right people.Limousine Tours Toronto & Niagara Falls Tours, Lux

Source: lituw.com

"Putting you in touch with all of the right people Knowing full well that although a wedding is supposed to be the happiest day of your life it is often the most stressful, Leave it to Us Weddings ...

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Tammy Campbell Kaye posted a link.

at 10:15am Jun 26.

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#### www.instyleweddings.ca

Source: www.instyleweddings.ca

From detailed wedding planning services, to customized wedding

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Hip downtown Bridgeport Ct, 1 hour by train to New York City. Ultra modern design, roof deck, tax break, walk to beach.

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Darren Budd posted a link.

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Shaikh Faridul Alam posted a link.

at 3:51pm Jun 25.

#### ArchSociety: News

Source: archsociety.com

Architecture for Humanity, Open Architecture Network and Cameron Sinclare together are heading towards a revolution in architecture. The new movement is changing the concept of doing architecture for capitalist clients. ...

join the arch student forum.

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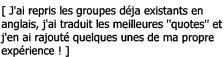
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Selma Lazrak posted a group.

at 6:25am Apr 17.

Tu sais que tu es en Archi quand ... Facebook Group



o Tu bois plus de 3 cafés par nuit

o Tes col...

C'est la traduction intelligente en français ... avec quelques bonus!



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Darren Budd posted a link.

at 2:38am Jun 30.

Mygazines.com - upload. share. archive.

Mygazines is your free place to browse, organize, customize and archive unlimited magazine articles uploaded by you, the Mygazines community.

Like YouTube for magazines.

Add a comment



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with your friends.

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Explore how Share works » Add Share to your site »



Fraser Kee Scott posted an event.

at 9:30am Jun 29.

Source: www.mygazines.com



"Flaming Cocktails and Fine Wine with A List Artists."

This event is planned to start at 6:00 pm on Jul 10, 2008 at A Gallery.

INVEST IN LONDON'S ART.. AND YOUR COLLECTION

Add a comment

Report Item

Share



Antoni Hadi posted a link.

at 2:40pm Jun 25.

#### BREAKING NEWS: FED LEAVES FED FUNDS RATE UNCHANGED | UNDERVALUED SECURITIES

Source: undervaluedsecurities.com

Recent information indicates that overall economic activity continues to expand, partly reflecting some firming in household spending. However, labor markets have softened further and financial markets remain under considerable stress. ...

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Punjabi Fine Art posted a link.

at 3:31pm Jun 24.

Punjabi Paintings | Fine Art from the Indian subcontinent

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#### What's that smell?



It's your nest egg going bad. Join the Fiscal Wake-Up Movement and make sure the federal fiscal burden doesn't spoil what you've saved.

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#### Posted Items on "London Investment Banking"

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Darren Budd posted a link. at 2:39am Jun 30.

Mygazines.com - upload. share. archive. Source: www.mygazines.com

Mygazines is your free place to browse, organize, customize and archive unlimited magazine articles uploaded by you, the Mygazines community.



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Fraser Kee Scott posted an event.

at 9:32am Jun 29.

Add a comment



**Rising Stars Art Exhibition** 

"Flaming Cocktails and Fine Wine with A List Artists."

This event is planned to start at 6:00 pm on Jul 10, 2008 at A Gallery.

INVEST IN LONDON'S ART... AND YOUR COLLECTION

Add a comment

Report Item

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Ron Atchley posted a link.

at 11:47pm Jun 28.

XANGO - Why Network Marketing

Source: www.mymangosteen.com

You may be wondering, "why can't I just buy a bottle of XanGo® Juice at the grocery store?" Good question. Word of mouth (or network) marketing is actually more effective than any other form of marketing because:



Add a comment

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Keith Dragisich posted a link. at 6:06pm Jun 27.

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and choose "Add to

with your friends.

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#### Over 40?



A new social network for people who've lived a little. Join TeeBeeDee - it's free and easy!

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#### Posted Items on "HYPE1.com"

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Displaying all 4 posted items.



Profile edit

Darren Budd posted a link.

at 11:45pm Jun 29.

Porngazines.com - check out our rack!

Source: www.porngazines.com

You may only enter this Website if you are at least 18 years of age, or at least the age of majority in the jurisdiction where you reside or from which you access this Website. If you do not meet these requirements, then you do not have permission to use the Website.

Same but for Porn.

Add a comment

Report Item

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Share



Darren Budd posted a link.

at 11:45pm Jun 29.

Mygazines.com - upload. share. archive. Source: www.mygazines.com

Mygazines is your free place to browse, organize, customize and archive unlimited magazine articles uploaded by you, the Mygazines community.



Add a comment

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Vlad Coco posted a video.

at 11:39am Jun 26.



Mobin Master feat damir - Be Yourself

Source: youtube.com

mobin master feat damir - be yourself

Add a comment

Report Item



Vahid Emadzadeh posted a link.

at 10:57pm Apr 15.

Share



Cara B posted a link.

at 2:51am Jul 15.

#### A National Indigenous Representative Body Source: www.hreoc.gov.au

The Australian Government has indicated that it intends to establish a new National Indigenous Representative Body. This page provides a range of materials addressing the key issues to be faced in establishing such a body.



Add a comment

Report Item

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Jayne Austen posted a link.

at 7:59am Jul 14.

Reinstate the Racial Discrimination Act in the Northern Territory - Online Petition

Source: www.gopetition.com.a...

To the Honourable President, Members of the Senate in Parliament assembled. The petition of the undersigned shows concern for the suspension of the Racial Discrimination Act in the Northern Territory....



Add a comment

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Cara B posted a link.

at 12:01am Jul 1.

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Oxfam Australia :: Media :: Victorian Aboriginal health service: making a difference in Aboriginal h

Source: www.oxfam.org.au

A Close the Gap open day at the Victorian Aboriginal Health Service (VAHS) on Wednesday 25 June will promote healthy living and give the wider community a chance to learn about Aboriginal health issues.The ...

Add a comment

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Darren Budd posted a link.

at 1:53am Jun 30.

Share

Mygazines.com - upload. share. archive.

Source: www.mygazines.com

Mygazines is your free place to browse, organize, customize and archive unlimited magazine articles uploaded by you, the Mygazines community.

1 2 3 4 5 Next Las



Add a comment

Report Item



Johanna Havemann posted a link. at 3:01am Jun 24.

Share

Progress can kill - Survival International

Source: www.survival-interna...



Forcing 'development' or 'progress' on tribal people does not make them happier or healthier. In fact, the effects are disastrous.

Survival has published a reort about the health status of many different indigenous peoples. Maybe you would find it interesting to read. You can download itas pdf from our website.

Add a comment

Report Item

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# **EXHIBIT 30**

8/17/2008

sign up for free | take tour | log in | 1884 family filter: On

Mygazines.com - \$1000 a month giveaway contest!

search articles

search

78 diggit diggit

FRIENDS

MYGAZINES

ARTICLES

MAGAZINES

upload



Check back here soon for the current monthly and marathon leaders!

**CONTEST RULES** 

Starting August 1st, every month, for 6 months, Mygazines will be giving away \$1000 (USD) to the member who signs up the most friends.

# The rules are simple:

- a invite your friends to join Mygazines.
- When a friend you invited signs up to Mygazines, you'll receive 1 point.
- Only the first invitation counts. If your friend receives an invite from another friend first, you won't get the point, so make sure to get your invites out first!
- © at the end of each month the member who has earned the most points will receive a \$1000 cheque in the mail
- as soon as you signup you're automatically entered in this contest so start inviting your

# THE GRAND PRIZE OF: \$5000

On February 1st, 2009 We will award \$5000 to the member who has signed up the most friends over the 6 month duration. Good Luck! Contact Us

Terms of Use Contest

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Mygazines.com

8/17/2008

# invite friends now

Mygazines.com - \$1000 a month giveaway contest!

- All funds are in USD.
- The first prize money will be awarded at the end of August, 2008
- If you are a winner we will contact you by via email in order to get your mailing address.
   In the event of a tie, all tied members will receive the full prize ammount!

Help & Information	Take Tour Adult Filters	
	Friends	More
	Mygazines	Notifications
My account	Magazines	Favorites

http://www.mygazines.com/contest

# EXHIBIT 31

Search

Traffic Rankings

Directory

Alexa Toolbar

Developer's Corner

Blog

Advertise



s.com

Get Traffic Details \* | Top 500 - Movers & Shakers

#### **Explore this site**

Overview **Traffic Details** 

Edit Site Info

#### More to Explore

Wayback Machine: see how mygazines.com looked in the past

Search for mygazines.com:

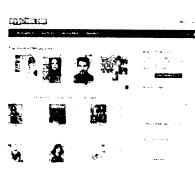
- on the Web
- in the Directory

#### Share your thoughts

E-mail a friend about mygazines.com...

Sell Online with WebStore by amazon

- Fraud Protection
- 1-Click WebStore
- 30 Day FREE To



#### Mygazines.com

mygazines.com

Mygazines.com has a traffic rank of: 146,144

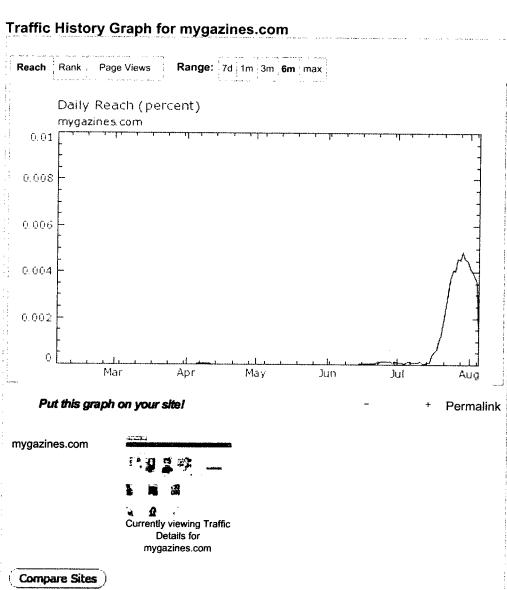
GET FREELA Post Pro

**Our Spon** 

Downi **Alexa** 

7.2 i:

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Learn more about Alexa Traffic...

Reach for Mygazines.com: 3 Percent of global Internet users who visit this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
0.0013%	0.0041%	0.00073%	<b>2</b> 0,705%	
Fraffic Rank for Nexa traffic rank ba	Mygazines.com: (seed on a combined me	② asure of page views and	d users (reach)	
Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
75,042	23,480	146,144	<b>4</b> 8,234,277	
Page Views per The number of uniq	user for Mygazine ue pages viewed per us	es.com: ② ser per day for this site		
Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	

#### Mygazines.com users come from these countries:

United States 53.8%
Canada 8.1%
Germany 5.9%
United Kingdom 4.1%
Australia 2.7%
More mygazines.com users...

#### Mygazines.com traffic rank in other countries:

Canada 10,780
United States 18,286
Australia 23,164
United Kingdom 41,959
Germany 56,574
More mygazines.com traffic rank...

#### Take the Alexa Toolbar with you for 1-Click access to search, site reviews & more!

Alexa - Search -	Site Info Related Links -	Tella DWayBack
------------------	---------------------------	----------------

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Sites Linking in

Wayback Machine: see how time.com looked in the past

#### Search for time.com:

- on the Web
- in the Directory

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E-mail a friend about time.com...



- **Fraud Protection**
- ► 1-Click WebStore



#### Category: Top > News > Magazines and E-zines



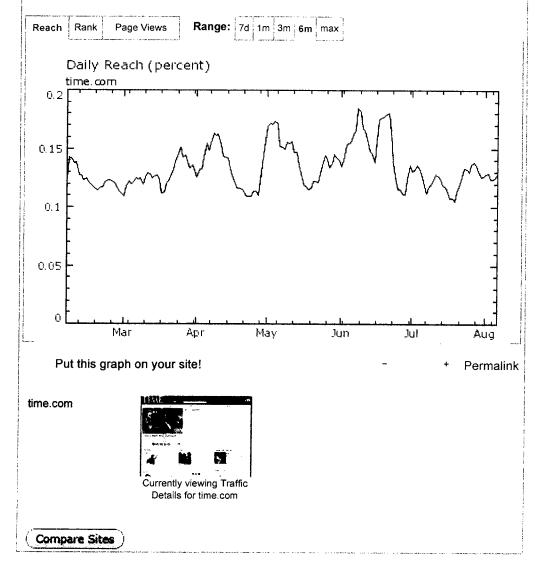
#### Time.com - Time Magazine

time.com

News articles from the magazine. Updated daily.

Time.com has a traffic rank of: 732

#### Traffic History Graph for time.com



Learn more about Alexa Traffic...

Reach for Time.com: ?

Percent of global Internet users who visit this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
0.129%	0.124%	0.1369%	<b>4</b> %

#### Traffic Rank for Time.com:

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
716	744	732	<b>3</b> 0	

#### Page Views per user for Time.com: \*\*

The number of unique pages viewed per user per day for this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
3.54	3.55	3.05	<b>▼</b> 3%

#### Time.com users come from these countries:

United States	65.0%
India	3.9%
Canada	3.6%
United Kingdom	3.5%
Australia	1.9%
More time.com users	

#### Time.com traffic rank in other countries:

United States	273
Canada	398
Australia	492
United Kingdom	786
India	964
More time.com traffic rank	

#### Where people go on Time.com: 33

- ± time.com 96%
- thepage.time.com 4%

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<b>W</b> ANGE	 y- Collien	Cing into		Priend	C Triagoack

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#### **More to Explore**

Sites Linking in Wayback Machine: see how ew.com looked in the past

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- on the Web
- in the Directory

#### Share your thoughts

E-mail a friend about ew.com...

Sell Online with WebStore by amazon

Fraud Protection1-Click WebStore



#### Category: Top > Arts > Entertainment > News and Media > Magazines and E-zines



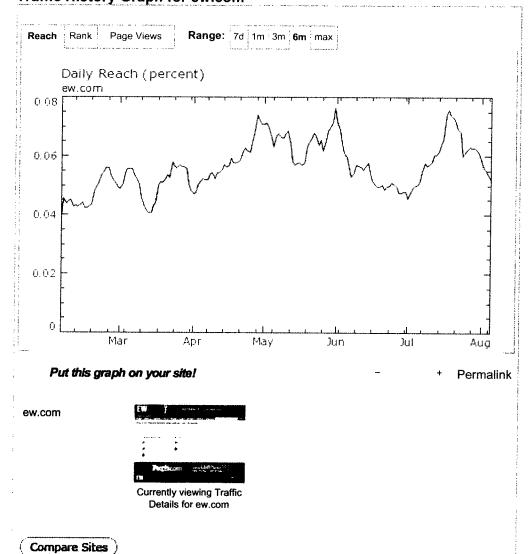
#### **Ew.com - Entertainment Weekly**

ew.com

Online version of the print magazine includes entertainment news, interviews, reviews of music, film, TV and books, and a special area for magazine subscribers.

Ew.com has a traffic rank of: 1,424

#### Traffic History Graph for ew.com



Learn more about Alexa Traffic...

Reach for Ew.com: ②
Percent of global Internet users who visit this site

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 0.052% 0.0559% 0.0595% ★ 12%

Traffic Rank for Ew.com: ②

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 1,738 1,458 1,424 ★ 320

Page Views per user for Ew.com: ③

The number of unique pages viewed per user per day for this site

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 4⋅7 6⋅06 6⋅04 ★ 5%

#### Ew.com users come from these countries:

United States 66.9%
Canada 3.9%
United Kingdom 3.4%
India 1.9%
Germany 1.9%
More ew.com users...

#### Ew.com traffic rank in other countries:

United States 476
Canada 741
United Kingdom 1,678
India 3,486
Germany 5,667
More ew.com traffic rank...

#### Where people go on Ew.com: 3

- ew.com 95%
- popwatch.ew.com 3%
- hollywoodinsider.ew.com 1%
- \* search.ew.com 1%

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- on the Web
- in the Directory

#### Share your thoughts

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# Sell Online with WebStore by amazon

- Fraud Protection
- 1-Click WebStore



#### Category: Top > Society > People > Women > News and Media > Magazines and E-zines



#### Realsimple.com - Real Simple

realsimple.com

Contains content from the newsstand magazine about simplifying your home life, plus special features and interactive tools.

Realsimple.com has a traffic rank of: 11,736

#### Our Spon

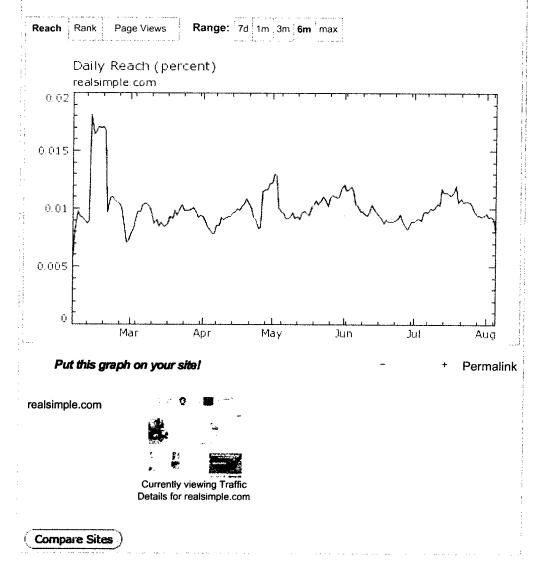


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#### Traffic History Graph for realsimple.com



Learn more about Alexa Traffic...

Reach for Realsimple.com: 
Percent of global Internet users who visit this site

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 0.008% 0.0092% 0.00999% ♥ 2%

Traffic Rank for Realsimple.com: ②

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday	lay 1 wk. Avg. 3 mos. Av		3 mos. Change	
15,263	11,784	11,736	<b>₹</b> 17	
The Art Control of the Control of th	a talante de la companio de la comp	and the first term to be a second	On the contract types and the contract of the contract of	

Page Views per user for Realsimple.com: 3

The number of unique pages viewed per user per day for this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
2.8	3.7	3.28	<b>₹</b> 5%	1

#### Realsimple.com users come from these countries:

United States	71.0%
India	4.7%
United Kingdom	3.4%
Canada	2.7%
South Africa	1.8%
More realsimple com users	

#### Realsimple.com traffic rank in other countries:

United States	3,154
South Africa	5,427
Canada	9,789
India	10,633
United Kingdom	12,572
More realsimple com traffic	: rank

#### Where people go on Realsimple.com: ③

- realsimple.com 91%
- food.realsimple.com 7%
- simplystated.realsimple.com 2%

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Overview **Traffic Details** Related Links

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Search for golf.com:

- on the Web
- in the Directory

#### Share your thoughts

E-mail a friend about golf.com...

#### Sell Online with WebStore by amazon

- Fraud Protection
- 1-Click WebStore



#### Category: Top > Sports > Golf > News and Media



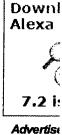
#### Golf.com - Golf.com

golf.com

Range: 7d 1m 3m 6m max

Tournament golf coverage plus sections for courses and travel, instruction, site membership services and promotional offers.

Golf.com has a traffic rank of: 7,538

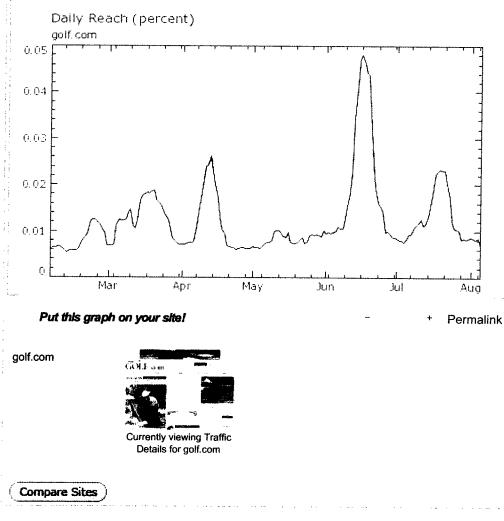


Traffic History Graph for golf.com

Page Views

Reach

Rank



Learn more about Alexa Traffic ...

Reach for Golf.com: 3

Percent of global Internet users who visit this site

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 0.0069% 0.0084% 0.01401% ★ 29%

Traffic Rank for Golf.com: 3

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday 1 wk. Avg. 3 mos. Avg. 3 mos. Change 15,240 12,984 7,538 ★ 3,369

Page Views per user for Golf.com: ②

The number of unique pages viewed per user per day for this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
4.8	3.9	4.14	<b>18%</b>

#### Golf.com users come from these countries:

United States	80.6%
Canada	4.2%
United Kingdom	1.9%
South Africa	1.5%
Germany	1.0%
More golf.com users	

#### Golf.com traffic rank in other countries:

United States 2,077
South Africa 2,662
Canada 3,938
United Kingdom 15,056
Germany 57,915
More golf.com traffic rank...

#### Where people go on Golf.com: 3

- golf.com 99%
- blogs.golf.com 1%

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#### Explore this site

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#### More to Explore

Sites Linking in
Wayback Machine: see
how cookinglight.com
looked in the past
Search for
cookinglight.com:

- on the Web
- in the Directory

#### Share your thoughts

E-mail a friend about cookinglight.com...

Sell Online with WebStore by amazon

Fraud Protection
 1-Click WebStore



#### Category: Top > Home > Cooking > Special Diets > Low Fat



#### Cookinglight.com - Cooking Light

cookinglight.com

Most recipes are low-fat or low-calorie versions of more sinful concoctions. Links to menus and meal planning, healthy life, and community.

Cookinglight.com has a traffic rank of: 32,078

### Our Spon

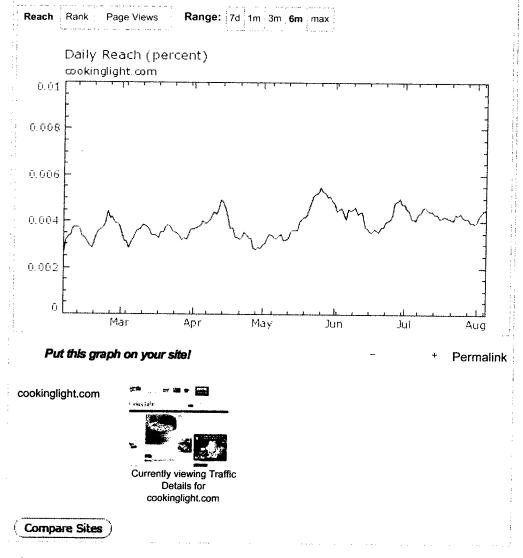


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#### Traffic History Graph for cookinglight.com



Learn more about Alexa Traffic...

Reach for Cookinglight.com: ③
Percent of global Internet users who visit this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
0.0045%	0.0042%	0.00426%	<b>1</b> 9%	4

#### Traffic Rank for Cookinglight.com: ②

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday 1 wk. Avg.		3 mos. Avg.	3 mos. Change	
27,054	31,071	32,078	<b>♠</b> 7,925	. i

#### Page Views per user for Cookinglight.com: ②

The number of unique pages viewed per user per day for this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
2.9	2.3	2.38	<b>12%</b>	

#### Cookinglight.com users come from these countries:

United States	79.0%
Canada	3.2%
China	3.1%
Pakistan	3.1%
United Kingdom	2.1%
More cookinglight.com users	

#### Cookinglight.com traffic rank in other countries:

Pakistan	5,215
United States	7,983
Canada	21,752
China	49,712
United Kingdom	68,992
More cookinglight.com traffi	ic rank

#### Where people go on Cookinglight.com: ②

- cookinglight.com 61%
- community.cookinglight.com 39%

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Alexa	•		(i)Site Info •	in or of	Tell a Friend	*** Way8ack
*		 				*******

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Wayback Machine: see
how southernliving.com
looked in the past
Search for

- on the Web
- in the Directory

southernliving.com:

#### Share your thoughts

E-mail a friend about southernliving.com...



#### Category: Top > Home > News and Media

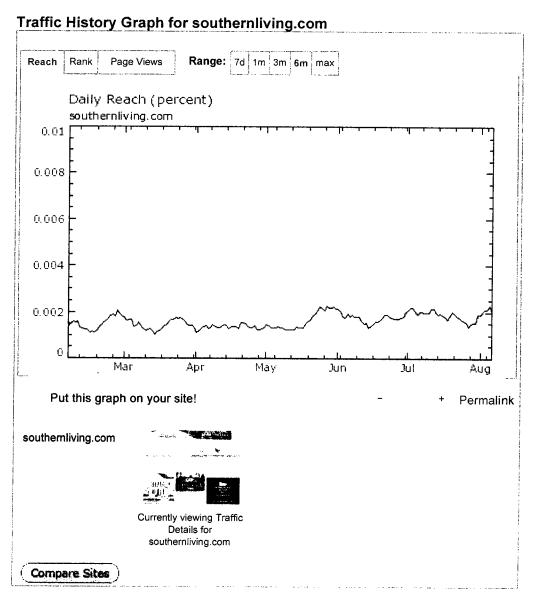


# Southernliving.com - Southern Living Online

southernliving.com

Online version of popular magazine, with features on travel and vacations, gardens and design, homes and interiors, and foods and hospitality.

Southernliving.com has a traffic rank of: 74,785



Learn more about Alexa Traffic...

Reach for Southernliving.com: \*\*

Percent of global Internet users who visit this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
0.002%	0.0021%	0.0018%	<b>2</b> 5%

Traffic Rank for Southernliving.com: 3

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
60,491	61,137	74,785	<b>11,288</b>	

Page Views per user for Southernliving.com: ②

The number of unique pages viewed per user per day for this site

Yesterday 1 wk. Avg.		3 mos. Avg.	3 mos. Change		
2.9	2.3	2.41	<b>₹</b> 19%		

#### Southernliving.com users come from these countries:

United States	90.0%
Canada	2.2%
India	1.7%
Germany	1.3%
United Kingdom	0.6%
More southernliving con	users

#### Southernliving.com traffic rank in other countries:

United States	16,678	
Canada	78,620	
India	133,857	
Germany	307,180	
United Kingdom	321,790	
More southernliving.com traffic rank		

#### Where people go on Southernliving.com: ③

- southernliving.com 66%
- community.southernliving.com 19%
- designassistant.southernliving.com 16%

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#### Category: Top > Home > News and Media

TERMINAL MERIENARIS

#### Coastalliving.com - Coastal Living Magazine

coastalliving.com

Features articles on homes, decorating, travel, food and living in coastal communities.

Coastalliving.com has a traffic rank of: 164,028

## More to Explore

Sites Linking in

Wayback Machine: see how coastalliving.com looked in the past

Search for coastalliving.com:

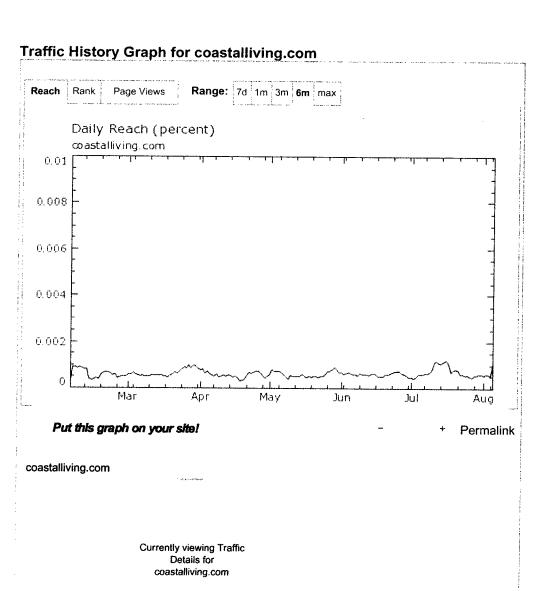
- on the Web
- in the Directory

#### Share your thoughts

E-mail a friend about coastalliving.com...

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- 1-Click WebStore
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Compare Sites

Reach for Coastalliving.com: 3 Percent of global Internet users who visit this site Our Spon GET.







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Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
0.0011%	0.00059%	0.00064%	<b>1</b> %
the second of the second control of the second of the seco	to the contract of the contrac	Control of the contro	the section of the se

### Traffic Rank for Coastalliving.com: ③

Alexa traffic rank based on a combined measure of page views and users (reach)

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change	
82,270	148,946	164,028	<b>A</b> 4	-

### Page Views per user for Coastalliving.com: ③

The number of unique pages viewed per user per day for this site

Yesterday	1 wk. Avg.	3 mos. Avg.	3 mos. Change
9	7.1	3.7	₩ 6%

### Coastalliving.com users come from these countries:

United States	82.2%
Japan	3.5%
Canada	3.5%
Australia	1.5%
United Kingdom	1.3%
More coastalliving.com users	

### Coastalliving.com traffic rank in other countries:

United States	37,293
Canada	82,024
Australia	131,341
Japan	160,188
United Kingdom	384,264
More coastalliving.com traffic rank	

### Where people go on Coastalliving.com: ②

- r coastalliving.com 82%
- designassistant.coastalliving.com 15%
- community.coastalliving.com 4%

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	(1) Alexa -		i)Site Info Related Link	Key Ciletta 45
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### Dinner at Hand

February

I'm looking for things that make my life easier. Lucky for me, two new easy dinner options have recently opened in my neighborhood. Dinner In H the brainchild of a former Journal News employee (and busy mom), has started this week in New Rochelle and Larchmont where you can order y them delivered to your door; or pick them up at the train station as you're rushing home from the City. Needless to say, I placed my order for next DELIVERY. I'll keep you posted on how it works/tastes (right now meals are single-servings so order accordingly).

Super Suppers in New Rochelle also recently opened; this is one of those places where you assemble the meals yourself; then take them home t on the way home from work (to pick up food for everyone) and one less "fight" with my husband on why it's always ME thinking about dinner when headache. I'll let you know.....I also plan to write up my findings (comparing these latest additions to Let's Dish in Scarsdale) in an upcoming issu

This entry was posted on Thursday, February 8th, 2007 at 11:45 am by Jeanne Muchnick. You can follow any responses to this entry through the RSS 2.0 feed.

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### 5 Responses To "Dinner At Hand"

Steve C. February 9th, 2007 at 6:29 am

On the weekends I cook meal(s) that can be used as leftovers for most of the week. Then there's always frozen stuff that can be reheated

Alicia Pascale February 9th, 2007 at 8:31 am

There used to be a place in Briarcliff called "1,2,3 Dinner" but I think it closed. Dinner is a very important time for family. And since families time together, saving time preparing it seems like a good idea.

Steve C. February 9th, 2007 at 10:31 am

Then why bother cooking order out every night. ;-] I enjoy cooking. even if its fast or slow or easy or hard. Case 1:08-cv-07392-WHP Document 19-1: I save ordering out for the days i just cant be bothered to do anything. Document 19-12

4. Alicia Pascale February 9th, 2007 at 5:04 pm

You're right. But this place did the "balanced diet" thing. Who knows. Maybe that's why it's closed now.

wowgolds104 March 22nd, 2007 at 2:54 am

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So Little Time Case 1:08-cv-07392-WHP Page 3 of 4 Document 19-12 Filed 08/27/2008 Page 6 of 19

About this bloa

The blog of two busy, multi-tasking moms on balancing work and family (and still getting dinner — even if it's take-out) on the table! Subscribe to this blog (RSS 2.0)

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About the authors

Jeanne Muchnick is a multi-tasking mama who's been writing about her two girls ever since they were born. She's the former turned InTown Senior Editor whose parenting stories have also appeared in a variety of national consumer magazines including Woman's Parenting, Pregnancy, FamilyFun and more. She lives in Larchmont, NY with her two girls: Corey, 14 and Sydney, 11, her husband, Mark Chip

Mary Lynn Mitcham, the editor-in-chief of InTown Westchester, is new to the mom scene. Her son, Owen, was born on the F say, she's still trying to figure out how to get herself - and her son - dressed and fed and still make it on time to work. Before she joined In worked as a senior editor at Travel Holiday magazine and has freelanced for several publications including Parenting, Adoptive Families, Fitness, and more. She lives in Westchester with her new baby and her husband, Adam.

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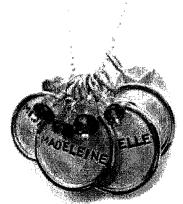
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### Wearing your kids

April 16

How would you like a necklace with the names, initials, birthdates or birthstones of your children? Whether the idea thrills or appalls you might sa toward motherhood and feminism.



I'm bringing this up because there is a new trend that upsets the traditional role of personalized jewelry. birthstones, initials or names, more and more moms are opting to wear jewelry that reflects their children. It's become a stylish and hip thing to do beautiful pieces of fine jewelry to drive and satisfy the demand. You can see an example of Heather Moore jewelry at right. I wrote a story about the here. I'm raising the question in this blog because I wonder what everyone thinks of this development.

When I interviewed local moms who wear the jewelry, they told me it makes them feel closer to their children and honors the most important relat of Larchmont, a stay-at-home mom who wears a necklace bearing the names of her four children, told me the charms are kind of like medals of h you are home or working or working part time, it takes courage to have children. It's a very tough job," Lisa said.

Pam Sloan, a divorce lawyer form Pelham who wears charms with her children's astrological signs and birthdates, said it triggers thoughts of her She received it as a birthday gift from her husband. "People said, you turned 50, what did your husband get you, thinking in terms of diamonds ar is nothing I could have enjoyed more than this very simple statement of the most important thing in my life."

But when I asked Susan Douglas, author of "The Mommy Myth: The Idealization of Motherhood and How it Has Undermined Women," what she I trend, she said: "Pretty and awful at the same time.�

Susan, who is a professor at the University of Michigan and an expert in gender and society, said there is a growing perception in our culture that themselves body and soul to their kids — at the expense of their own identities. She said we're in the midst of a the new "momism" that's a back

Parents' Place Page 2 of 8 Case 1:08-cv-07392-WHP Document 19-12 Filed 08/27/2008 Page 9 of 19

unhappy that women are forgoing the historically self-affirming message of personalized jewelry. Think Laverne of "Laverne & Shirley" with the gi Carrie of "Sex and the City" and her "Carrie" necklace.

I understand Susan's point intellectually, but as a mom I can't feel it.

I could say it's because I became a mom in my late 30s and treasure every second, because that's true. Or, I could say that it's because my daug premature and we feared the worst when she was born, and that would be true, too. But I don't think those are the primary reasons why my heart her initial and birthdate around my neck. I think it's because I'm so in love with her that I want to celebrate the new, amazing and powerful feeling own ego.

Maybe the new mommy jewelry is something Carrie would wear five years later, after she and Mr. Big have babies.

What do you think?

This entry was posted on Monday, April 16th, 2007 at 12:56 pm by Julie Moran Alterio. You can follow any responses to this entry through the RSS 2.0 feed.

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### 14 Responses To "Wearing Your Kids"

1. Alicia Pascale April 16th, 2007 at 2:42 pm

Carrie would totally were a trendy baby pin or something of the sort if she and Mr. Big had kids. After my first child was born I wore her ow long time. I never bought any of the other birth stone pendants because I wanted something a little more original. I saw these id bracelets l'II order three of them, one that says Nadia, and another that says Marcos and a third that says Mrs. Goni. It's funny because I ne name but I want the three most important people in my life to be with me always. I've even considered tattooing their names on my bo woman, and motherhood is the most important part of being a woman. It's a privilege that only we have and one that makes us much biologically. We are the pillars of our families and wanting to celebrate our families is a great and also powerful thing. Having children make Susan Douglas is WRONG. The type of self-affirming that she refers to is egocentric. Being a woman and being a mother is the exact oper understand the reasoning behind her statements intellectually.

El April 16th, 2007 at 5:08 pm

My mother (grandmother to my now elementary and pre-teen children) loves to "wear" her grandchildren—and I think of it as a trend and I heads, the shoes, stick figures with birthstones, etc. And my grandmother did it before that. I guess if they came out with something a little But for now, I think of it as a "grandma thing". Definitely not for mothers of children that have grown beyond their infant/toddler years.

Alicia Pascale April 16th, 2007 at 9:00 pm

Red Envelope has beautiful, original and modern pendants and bracelets. That's where I got the idea for the id bracelet. Another of my fav pendant. Now that Mother's day is around the corner, I bet they'll come out with more.

Julie Moran Alterio April 16th, 2007 at 10:27 pm

Alicia – I received my Red Envelope catalog today, too.

Steve C. April 17th, 2007 at 5:50 am

Stuff like this has always been around, in some way or another.

Alicia Pascale April 17th, 2007 at 2:51 pm

Julie; isn't it nice? Loooove their stuff!

Mary D April 18th, 2007 at 2:34 pm

When my daughter was two, she picked out a pendant at a Mystic, CT gift shop. It was an abstract of a mother reaching down to embrace mom. I've worn this 'Mommy and Baby' necklace ever day for the last 9 years. While it isn't an expensive piece, it is the most important pi daughter picked it out with her own hands, and it's far more valuable than any diamond or platinum jewelry on the face of the earth. For th Parents' Place
Case 1:08-cv-07392-WHP Page 3 of 8 Page 10 of 19 Document 19-12 Filed 08/27/2008 self-affirmation...get real, you define the jewelry, the jewelry doesn't define you! 8. Danielle, Celebrity Baby Blog April 19th, 2007 at 10:21 am I never thought I would wear "mommy jewelry" before I had my daughter, but now I love to wear my Tali Gillette mamamamamama neckla Julie Moran Alterio April 23rd, 2007 at 12:08 pm I do happen to have two pieces of Mommy jewelry myself. My husband gave me a pendant with an amthyest the year Pumpkin was born he gave me a heart that's actually a mother and child when you look at it closely. I love both because they are more than just a fashion ac alice April 30th, 2007 at 8:42 pm I've been looking for a long time for a "mommy necklace" that looked like the type of jewelry i already wear. I'm loving my one from suzani have my kids' names, but also was able to pick out stones I love that represent a little of me! jewelry wholesale May 10th, 2007 at 5:52 am I like pearl, I like shopping on the net for example i'4CE wholesale jewelry i'4CE pearl wholesale, wholesale pearl , and so on.

12. Rachel May 15th, 2007 at 11:19 am

littleJULES.com is a local company I came accross looking for a necklace for my friend who just had a baby.... and wow – cute cute – did getting their "birth necklace" which is only \$59. It has tiny footprints with baby's name and all the birth info on the other side of the pendant

13. Liz from Cool Mom Picks December 31st, 2007 at 7:13 pm

Hi Julie - just found this most interesting post.

I wonder whether Susan has considered that moms can be both self-affirming and doting. The two aren't mutually exclusive, and in fact I'c remember to take care of themselves probably make better moms.

That said, it's nice to have something to live for that's greater than yourself.

14. Ronald July 11th, 2008 at 11:14 pm

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### About this blog

Parents' Place is a hangout for openly discussing the A's to Z's of raising a child in the Lower Hudson Valley. From deciding when to stop your teenager take driving lessons, Parents' Place is here to let us all vent, share, and most of all, learn from each other. Leading the conversation are Julie Moran Alterio, a business reporter and mom of a toddler, Jorge Fitz-Gibbon, a reporter and single father old son, and Len Maniace, a reporter and father of two sons.

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Jane LernerJane Lerner covers health and hospitals for The Journal News in Rockland, where she lives with her husband :

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Len ManiaceLen Maniace is a reporter and father of two sons. READ MORE

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### **TurkeyMonkey**

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### **About TurkeyMonkey**

### About bizarre mascots

What, you might ask, is a TurkeyMonkey? For a long time, I believed that it was my own creation — a hybrid of my favorite two sobriquets. Throughout college and the years following I routinely greeted my friends as either "turkeys" or "monkeys," meaning they'd been acting dopey or wacky, respectively. One evening, while watching the Cincinnati Bearcats in a college basketball game, I declared that there's no way a bearcat is a real animal. My inebriated friend wasn't sure, but offered about a half dozen equally confounding school nicknames: The University of California-Santa Cruz has the Banana Slug, he said; CUNY Brooklyn's mascot is the New York Bridges; and, of course, there was our alma mater — the University of Pennsylvania, the Fighting Quakers. (Okay, okay, technically, it's just the Quakers. But if you're living in West Philly you damn sure better know how to put up them dukes.) Brainstorming ensued, and the options seemed endless. SnakeRats ... ElephantDogs ... TurtleSwine. And so it was that, over a late-night snack of pizza and blue cheese dipping sauce, that we came up with the ultimate mascot. Ahem, the one and only, TURKEYMONKEY!

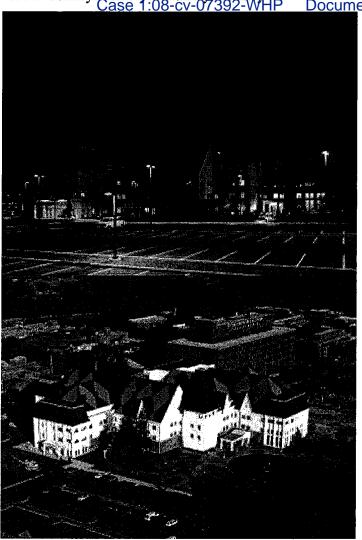
It was more than a little dispiriting to learn that the term "turkeymonkey" had already been coined. As it turns out, Turkey Monkey was a character in "The Adventures of The Smart Patrol," a 1995 computer game based on the nerdy punk band Devo. Your mission in the game is to chase down the Turkey Monkey—a truly disgusting piece of animation that's half Butterball turkey, half chimpanzee. The game's website has a brief bio: "Turkey Monkey is the hideous looking re-combinant DNA accident hatched at LFU. It has the head of a monkey and the body of a featherless turkey and navigates like a giant hummingbird on caffeine."

Though this is not what I envisioned with the name turkeymonkey, I feel compelled to share the ugly truth with you. If you care to read more about the video game, there's an Atlantic Monthly story about it <u>here</u>. But rest assured, there will be no re-combinant DNA accidents or dweeby techno music on this website.

### **About Ted Mann**

At the moment, I live and work in Westchester, NY. But not exactly that idealized suburban afterlife that Monica and Chandler graduated to after *Friends*. No, my Westchester involves a beat-up co-op apartment in Hartsdale-more *Money Pit* than *Growing Pains*—sandwiched between the absurdly wealthy villages of Scarsdale and Valhalla. By day I'm a Senior Editor at *InTown*, a group of publications (*InTown*, *Rockland*, *Putnam*, and *Scarsdale Magazines*). By night I become an inventor of bizarre mechanical cat toys, a mediocre cook, and a part-time treasure hunter. My wife, Ana, is a newly minted doctor, a

pediatrician at the Westchester Medical Center's Maria Fareri Children's Hospital. Boy, that was mouthful. And boy, is that a wild lookin' hospital!



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### About

About TurkeyMonkey « TurkeyMonkey Case 1:08-cv-07392-WHP Document 19-12 Filed 08/27/2008 Page 17 of 19

TurkeyMonkey is a blog devoted to Ted Mann's thoughts on water sports, refined sugar, and, naturally, anything Page 3 of 5

to do with monkeys. Why TurkeyMonkey? Well, for starters, SpiderPig was already taken.

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Monitor

Preview

No preview

Monitor Domain: 🔭 Set Free Alerts on porngazines.com

Free Tool: Download DomainTools for Windows

### Whois Record

domain: porngazines.com reg created: 2007-10-31 18:08:16

expires: 2013-10-31 18:08:16 created: 2008-06-17 05:55:55 changed: 2008-06-27 02:36:17 transfer-prohibited: yes

ns0: a.dns.gandi.net ns1: NS6.GANDI.NET

owner-c:

nic-hdl: JC4647-GANDI

owner-name: NIW International Ltd organisation: NIW International Ltd

person: Juan Cortez address: Mitchell House zipcode: PO Box 174 city: The Valley country: Anguilla phone: +617.31032794

fax: ''

email: aee2906fce6d2b4b137071acad9db050-839425@contact.gandi.net

lastupdated: 2008-07-12 16:15:02

admin-c:

nic-hdl: JC4647-GANDI

owner-name: NIW International Ltd organisation: NIW International Ltd

person: Juan Cortez address: Mitchell House zipcode: PO Box 174 city: The Valley country: Anguilla phone: +617.31032794

fax: ''

email: aee2906fce6d2b4b137071acad9db050-839425@contact.gandi.net

lastupdated: 2008-07-12 16:15:02

tech-c:

nic-hdl: JC4647-GANDI

owner-name: NIW International Ltd organisation: NIW International Ltd

person: Juan Cortez address: Mitchell House zipcode: PO Box 174 city: The Valley country: Anguilla phone: +617.31032794

fax: ''

email: aee2906fce6d2b4b137071acad9db050-839425@contact.gandi.net

lastupdated: 2008-07-12 16:15:02

bill-c:

nic-hdl: JC4647-GANDI

owner-name: NIW International Ltd organisation: NIW International Ltd

person: Juan Cortez address: Mitchell House zipcode: PO Box 174 city: The Valley country: Anguilla phone: +617.31032794

fax: '

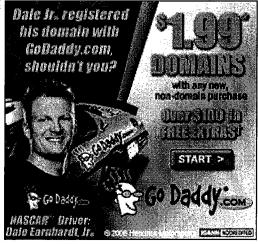
email: aee2906fce6d2b4b137071acad9db050-839425@contact.gandi.net

lastupdated: 2008-07-12 16:15:02

Page 3 of 14 Filed 08/27/2008

Buy this (Available)

Buy this (Bid at auction)



GoDaddy com

### **Customize This Page**

Select the items you want to be shown on this page. Login to save preferences.

✓ Front Page	V	Indexed Data
✓ Server Data	~	Registry Data
<b>✓</b> Exclusive Data		Whois Record

### Domains for Sale

Domain	Price
OutMagazine.com	\$85.00
PointMagazine.com	\$210.00
<u>HeadMagazine.com</u>	\$500.00
SoakMagazine.com	\$500.00
MeMagazine.com	\$500.00
SurplusMagazine.com	\$688.00
<u>KidsMagazine.com</u>	\$895.00
WhiteMagazine.com	\$1,000.00
TestMagazine.com	\$1,254.00
FordMagazine.com	\$1,400.00
ChatMagazine.com	\$1,688.00

### Domains At Auction

Domain	Auction
	Date
MagazineLogo.com	08-07-2008
MagazineLogos.net	08-07-2008
RumpusMagazine.com	08-11-2008
AutoSalesMagazine.net	08-11-2008
VandalMagazine.com	08-12-2008
<u>LyneMagazine.com</u>	08-13-2008

TheHotSpotMagazine.com 08-20-2008 CreamVideoMagazine.com 08-25-2008 <u>CreamVideoMagazine.net</u> 08-25-2008 <u>DivaMagazine.com</u> 08-27-2008

### **Compare Similar Domains**

Domain	Created
<u>Porn</u>	1995-08-19
<u>Por Musica</u>	2002-05-19
Porn Stars	2002-11-30
Porn Movies	2003-01-09
Porn Videos	2003-01-09
Porn Clip	2003-03-24
Porn Mpeg	2003-03-24
Porn Photos	2003-04-22
Por M Video	2003-08-20
Por M Videos	2005-05-23
Por M Xxx	2005-07-06
Porn Movies	2006-03-16
Por Mu P Dos	2006-04-12
Por Music	2006-08-08
Por Mus	2006-12-01

### EXHIBIT 34



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**ARTICLES** 

**PORNGAZINES** 

**FRIENDS** 

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### Terms of Use

### Introduction

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impose limits on certain features and services or restrict your access to parts or all of the Services without notice or liability.

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As a condition to using Services, you are required to register with Porngazines and select a password and screen name ("Porngazines User ID"). You shall provide Porngazines with accurate, complete, and updated registration information. Failure to do so shall constitute a breach of the Terms of Use, which may result in immediate termination of your Porngazines account. You may not (i) select or use as a Porngazines User ID a name of another person with the intent to impersonate that person; (ii) use as a Porngazines User ID a name subject to any rights of a person other than you without appropriate authorization; or (iii) use as a Porngazines User ID a name that is otherwise offensive, vulgar or obscene. Porngazines reserves the right to refuse registration of, or cancel a Porngazines User ID in its discretion. You shall be responsible for maintaining the confidentiality of your Porngazines password.

Services are available only to individuals who are at least 13 years old, whether acting on their own behalf or as an authorized employee or representative of a corporation or other business entity. If you do not so qualify, do not attempt to register for or use the Services.

### 5. USER CONDUCT

As a condition of use, you promise not to use the Services for any purpose that is unlawful or prohibited by these Terms of Use, or any other purpose not reasonably intended by Porngazines. By way of example, and not as a limitation, you agree not to use the Services:

- 1. to abuse, harass, threaten, impersonate or intimidate other Porngazines users:
- 2. to post or transmit, or cause to be posted or transmitted, any Content that is infringing, libelous, defamatory, obscene, pornographic, abusive, offensive, profane, or otherwise violates any law or right of any third party;
- 3. for any illegal or unauthorized purpose. If you are an international user, you agree to comply with all local laws regarding online conduct and acceptable content;
- 4. to post or transmit, or cause to be posted or transmitted, any communication or solicitation designed or intended to obtain password, account, or private information from any Porngazines user:
- to create or submit unwanted email ("Spam") to any other Porngazines users or any URL;
- 6. to violate any laws in your jurisdiction (including but not limited to copyright laws);
- 7. to submit stories or comments linking to affiliate programs, multi-level marketing schemes, sites/blogs repurposing existing stories (source hops), or off-topic content;
- 8. with the exception of accessing RSS feeds, you will not use any robot, spider, scraper or other automated means to access the Site for any purpose without our express written permission. Additionally, you agree that you will not: (i) take any action that imposes, or may impose in our sole discretion an unreasonable or disproportionately large load on our infrastructure; (ii) interfere or attempt to interfere with the proper working of the Site or any activities conducted on the Site; or (iii) bypass any measures we may use to prevent or restrict access to the Site;
- 9. with the intention of artificially inflating or altering the 'Porngazines count', blog count, comments. or any other Porngazines service, including by way of creating separate user accounts for the purpose of artificially altering Porngazines's services; giving or receiving money or other remuneration in exchange for votes; or participating in any other organized effort that in any way artificially alters the results of Porngazines's services;
- 10. to advertise to, or solicit, any user to buy or sell any products or services. It is also a violation of these rules to use any information obtained from the Services in order to contact, advertise to,

Page 3 of 5

solicit, or sell to any user without their prior explicit consent;

- 11. attempt to impersonate another user or person;
- 12. sell or otherwise transfer your profile.

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Notifying Porngazines of Copyright Infringement: To provide Porngazines notice of an infringement, you must provide a written communication to the attention of "DMCA Infringement Notification Dept." care of abuse@Porngazines.com that sets forth the information specified by the DMCA (http://www.copyright.gov/title17/92chap5.html#512). Please note that we may post your notification. with personally identifiable information redacted, to a clearinghouse such as chillingeffects.org. Please also note that you may be liable for damages (including costs and attorneys' fees) if you materially misrepresent that an activity is infringing your copyright.

Providing Porngazines with Counter-Notification: If we remove or disable access to content in response to an infringement notice, we will make reasonable attempts to contact the owner or administrator of the affected site or content. If you feel that your material does not constitute infringement, you may provide Porngazines with a counter notification by written communication to the attention of "DMCA Counter Notification Dept." at abuse@Porngazines.com that sets forth all of the necessary information required by the DMCA

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### 8. Porngazines PRIVACY POLICY

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### 9. INDEMNITY

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failure of either party to exercise in any respect any right provided for herein shall not be deemed a waiver of any further rights hereunder. Porngazines shall not be liable for any failure to perform its obligations hereunder where such failure results from any cause beyond Porngazines's reasonable control, including, without limitation, mechanical, electronic or communications failure or degradation (including "line-noise" interference). If any provision of the Terms of Use is found to be unenforceable or invalid, that provision shall be limited or eliminated to the minimum extent necessary so that the Terms of Use shall otherwise remain in full force and effect and enforceable. The Terms of Use is not assignable, transferable or sublicensable by you except with Porngazines's prior written consent. Porngazines may transfer, assign or delegate the Terms of Use and its rights and obligations without consent. The Terms of Use shall be governed by and construed in accordance with the laws of the state of California, as if made within California between two residents thereof, and the parties submit to the exclusive jurisdiction of the Superior Court of San Francisco County and the United States District Court for the Northern District of California. Notwithstanding the foregoing sentence, (but without limiting Porngazines's right to seek injunctive or other equitable relief in any court of competent jurisdiction), any disputes arising with respect to this Agreement shall be referred to an arbitrator affiliated with JAMS, The Resolution Experts, The arbitrator shall be selected by joint agreement of the parties. In the event the parties cannot agree on an arbitrator within thirty (30) days of the initiating party providing the other party with written notice that it plans to seek arbitration, the parties shall each select an arbitrator affiliated with JAMS, which arbitrators shall jointly select a third such arbitrator to resolve the dispute. The written decision of the arbitrator shall be final and binding on the parties. The arbitration proceeding shall be carried on and heard in San Francisco, California using the English language and pursuant to the rules of JAMS. In any action or proceeding to enforce rights under the Terms of Use, the prevailing party will be entitled to recover costs and attorneys' fees. Both parties agree that the Terms of Use is the complete and exclusive statement of the mutual understanding of the parties and supersedes and cancels all previous written and oral agreements, communications and other understandings relating to the subject matter of the Terms of Use, and that all modifications must be in a writing signed by both parties, except as otherwise provided herein.

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### **EXHIBIT 35**



Whois Record for Kidgazines.com ( Kid Gazine s )

Front Page Informat	tion	Thu
Website Title:	kidgazines.com	7
Title Relevancy	100%	4
Meta Description:	GANDI est le premier bureau d'enregistrement de nom de domaine français (registrar) agréé par l'ICANN pour l'achat de noms de domaine en .COM, .NET, .ORG, .BIZ, .INFO, .NAME, .BE, .FR, .EU., .UK, .CH, .LI, .TV, .CC, .NU, .US, .MOBI. Transférez ou achetez votre domaine sur Gandi.net et bénéficiez d'un blog et de 5 boites mail gratuites et de la gestion complète de votre nom.	
•	22% relevant.	
Relevancy:		Í,
	Wiki article on Kidgazines.com	*
SEO Score:		
	134 (Unique: 88, Linked: 66)	
•	8 (Alt tags missing: 6)	
LINKS:	19 (Internal: 4, Outbound: 15)	1/2
Registry Data		
ICANN Registrar:	GANDI SAS	SEC
Created:	2008-07-20	
Expires:	2010-07-20	1
Updated:	2008-07-20	!
Registrar Status:	clientTransferProhibited	
Name Server:	A.DNS.GANDI.NET (has 307,386 domains)	
Name Server:	B.DNS.GANDI.NET	
Name Server:	C.DNS.GANDI.NET	,
Whois Server:	whois.gandi.net	(
Server Data		
IP Address:	217.70.184.38 W R P D T	
IP Location	- France - Provider Local Registry	
Response Code:	200	
Domain Status:	Registered And Active Website	
DomainTools Exclusi		ht

Email Search: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net is associated with about 4

Registrant Search: "Salveo Limited" owns about 5 other domains

domains Oth: NS History: 1 change on 2 unique name servers over 0 year. IP History: 1 change on 2 unique name servers over 0 years. Whois History: 1 record has been archived since 2008-07-22. Reverse IP: 142,272 other sites hosted on this server. Sym Monitor Domain: 🔖 Set Free Alerts on kidgazines.com Free Tool: Download DomainTools for Windows

### Sell your domains for the price they're worth.

### Whois Record

```
domain: kidgazines.com
reg created: 2008-07-21 02:50:28
expires: 2010-07-21 02:50:28
created: 2008-07-21 04:50:30
changed: 2008-07-22 08:28:37
transfer-prohibited: yes
ns0: a.dns.gandi.net
ns1: b.dns.gandi.net
ns2: c.dns.gandi.net
owner-c:
  nic-hdl: JS3604-GANDI
  owner-name: Salveo Limited
  organisation: Salveo Limited
  person: John Smith
  address: Mitchell House
  zipcode: P.O. Box 17
  city: The Valley
  country: Anguilla
  phone: +40.312249340
  fax: ''
  email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net
  lastupdated: 2008-07-12 16:13:41
admin-c:
  nic-hdl: JS3604-GANDI
  owner-name: Salveo Limited
  organisation: Salveo Limited
  person: John Smith
  address: Mitchell House
  zipcode: P.O. Box 17
  city: The Valley
  country: Anguilla
  phone: +40.312249340
  fax: ''
  email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net
  lastupdated: 2008-07-12 16:13:41
tech-c:
 nic-hdl: JS3604-GANDI
 owner-name: Salveo Limited
 organisation: Salveo Limited
 person: John Smith
 address: Mitchell House
  zipcode: P.O. Box 17
 city: The Valley
 country: Anguilla
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phone: +40.312249340

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email: <u>Kids</u> lastupdated: 2008-07-12 16:13:41 Med bill-c: nic-hdl: JS3604-GANDI <u>Whi</u> owner-name: Salveo Limited **Test** organisation: Salveo Limited person: John Smith <u>Forc</u> address: Mitchell House <u>Cha</u> zipcode: P.O. Box 17 city: The Valley country: Anguilla Don phone: +40.312249340 fax: '' Doi email: bfe208793ab0c712897e0aba7fdd8296-839400@contact.gandi.net lastupdated: 2008-07-12 16:13:41 <u>F</u> Ţ  $\overline{{\boldsymbol{l}}}$ V <u>F</u> <u>c</u> Ç ŀ Ī Com Do <u>Kid</u> Kid <u>Kid</u> <u>Kid</u> <u>Kid</u> <u>Kid</u> Kid <u>Kid</u> <u>Kid</u> <u>Kid</u> <u>Kid</u> <u>Kid</u> <u>Kid</u> <u>Kid</u>

Kid